

1       ones will feel disenfranchised." Do you know of what percentage  
2       of the registered voters actually turned out to vote in the  
3       general election in 2010?

4                   MR. BLEDSOE: I do know that the numbers of  
5       overall minority vote was lower. I can't stand here and cite  
6       for you the actual number, but I do know it was lower than in  
7       the past in terms of the percentage of the vote that was  
8       minority. I do know, like in Harris County, I think the Latino  
9       vote was extremely low in that county.

10          And I know that when you say that in Indiana or  
11       Georgia that the numbers went up, you have an apparition. You  
12       have the candidacy of Barack Obama that throws off and skews all  
13       the figures. So you have to take other elections to look at to  
14       have an appropriate --

15                   REPRESENTATIVE HARLESS: Even though neighboring  
16       states like Mississippi did not have an increase in turnout in  
17       2008, even though Georgia did and Mississippi does not have a  
18       photo ID?

19                   MR. BLEDSOE: And I haven't looked at the  
20       Mississippi figures, and I don't know that you can say that  
21       there is a one 100 percent correlation. But I think you can  
22       clearly say that it's very clear that there is a dominant theme,  
23       and that is that minority turnout was much higher in 2008 than  
24       it was in other places. And it may be that one can cherry pick  
25       and find, well, this state didn't have a higher turnout. That



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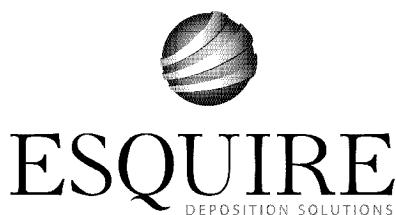
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1 could be an apparition to other reasons. I think we need to  
2 look at what the minority voter turnout was in Mississippi and  
3 see if that was higher than in 2004. And I would suggest it  
4 probably would be.

5 And I know we look at -- I was at a seminar the  
6 other day, and they said that in Obama's Candace /SEU 1 out of  
7 11 whites voted for him in Alabama, 1 out of 10 in Mississippi,  
8 1 out of 7 in Louisiana, but in Texas he received 35 percent of  
9 the white vote. But you can see the disaffection in some of  
10 those communities, like when you mentioned Mississippi. There  
11 may be other reasons why there was not a greater voter turnout.

12 REPRESENTATIVE HARLESS: I want to mention that  
13 I'm very confident that this bill will meet the test of the U.S.  
14 Supreme Court and also for pre-clearance because there are  
15 certain standards that they've asked that be upheld, and that is  
16 that the bill deters and detects fraud, that it protects public  
17 confidence in the election, that it counts only eligible voters'  
18 votes, and also provides access for free ID, allows for  
19 provisional ballots and in ballot absentee ballots and ensures  
20 obtaining a photo ID is no more burdensome or inconvenient than  
21 the actual act of voting. And we also provided exemptions for  
22 elderly, disabled and indigent. So I'm very confident that our  
23 bill meets these standards. And thank you so much for being  
24 here today.

25 MR. BLEDSOE: You're quite welcome.



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1 CHAIRMAN BONNEN: We're down to only a few  
2 minutes here before we need to break for session.

3 Representative Gutierrez, do you have -- you don't have to but  
4 -- Representative, Veasey.

5 Thank you, Mr. Bledsoe. We appreciate your  
6 testimony here today.

7 MR. BLEDSOE: Chairman, thank you very much.

8 CHAIRMAN BONNEN: Thank you. Give me a public  
9 witness. We're going to do one more public witness. They have  
10 three minutes, and that way we'll keep moving. Chair calls  
11 Colleen Vera, retired teacher, here to testify for the committee  
12 substitute Senate Bill 14. You have three minutes.

13 MS. VERA: My name is Colleen Vera. I represent  
14 myself, and I am for the committee substitute. I am a native  
15 Texan and retired Texas teacher. I volunteered to work as a  
16 poll watcher during the early voting in 2010. In that one day I  
17 witnessed two situations that I would like to share with you.  
18 First, I observed a voter who showed the election clerk two  
19 voter registration cards, and she said, "They had me down with  
20 two names." Both cards had the same address, but the first card  
21 had the voter's legal name and the second had her nickname.  
22 Because the voter was an honest citizen, she showed both cards  
23 to the clerk and the clerk used one with the voter's legal name.  
24 Had the voter been dishonest, it would have been very simple for  
25 her to vote twice.



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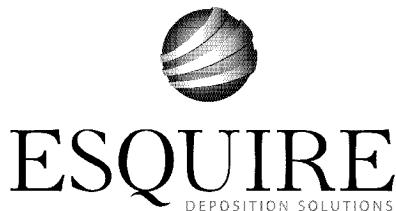
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1                   Second, I observed a voter who spread out  
2 multiple voter registration cards like a deck of cards. She  
3 said, "Which one do I use here? They always send me extras."  
4 The clerk told the voter she would have to decide. So the voter  
5 handed the clerk one, the clerk confirmed the registration and  
6 she proceeded to vote. Again, had she not been an honest  
7 citizen, it would have been very easy for her to vote more than  
8 one time.

9                   It is remarkable to me that in the year 2011,  
10 with the growth of technology, that we are even questioning the  
11 need for photo ID for something as important as voting. We all  
12 know how prevalent identity theft is, and the State of Texas  
13 should be doing everything in its power to prevent identity  
14 theft in voting.

15                  In my opinion, the easiest way to prevent fraud  
16 is to provide photo ID from a government issued source. I have  
17 read the arguments that requiring a photo ID to vote  
18 discriminates against the elderly, the disabled, and the poor.  
19 So just like I taught my students to do, I went online and did a  
20 little research of my own.

21                  Did you know that if you go to Medicare.gov  
22 you'll find a document No. 11343 that states the first time you  
23 use your new Medicare prescription drug plan you need to bring  
24 to the pharmacy your Medicare card and a photo ID such as a  
25 state driver's license or a passport? Then I searched the Texas



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1 Health and Human Services Commission to find Form M5017 which  
2 lists the documents you need to send with applications for food  
3 stamps, temporary assistance for needy families, medical  
4 assistance or Medicaid for elderly and people with disabilities.  
5 They all require a valid driver's license or Department of  
6 Public Safety ID card to even apply.

7 This shows that the State of Texas already  
8 requires photo ID to apply for social services for the elderly  
9 and people with disabilities. So I do not see how anyone could  
10 reasonably argue that the same photo could not be used to insure  
11 proper ID for voting. Thank you for your time.

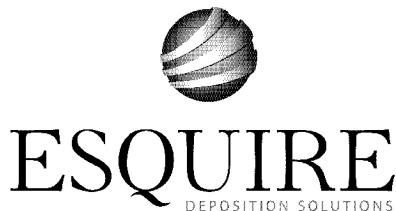
12 CHAIRMAN BONNEN: Thank you for your time. Any  
13 questions, members? Thank you. Appreciate your being here.

14 Members, at this time the chair would like to  
15 withdraw the committee substitute to Senate Bill 14, and I will  
16 leave Senate Bill 14 pending before the Committee. And it's the  
17 Chair's intention to, as reasonably quickly after session ends,  
18 reconvene the Committee and begin hearing the witnesses again,  
19 when session is in recess. So the Committee stands in recess.  
20 Thank you, members.

21 (Recess)

22 CHAIRMAN BONNEN: Voter identification and voter  
23 fraud is now called to order, and the clerk will please call the  
24 role.

25 CLERK: Bonnen?



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1 CHAIRMAN BONNEN: Here.

2 CLERK: Veasey? Hilderbran? Hochberg?

3 REPRESENTATIVE HOCHBERG: Here.

4 THE CLERK: Pena?

5 REPRESENTATIVE PENA: Here.

6 THE CLERK: Taylor? Gutierrez? Harless?

7 REPRESENTATIVE HARLESS: Here.

8 THE CLERK: Aliseda?

9 REPRESENTATIVE ALISEDA: Here.

10 CHAIRMAN BONNEN: And Mr. Gutierrez is present.

11 THE CLERK: Gutierrez?

12 CHAIRMAN BONNEN: Perfect. He's present. Good.

13 Quorum is present. And just for those of you in the audience

14 who are watching, we're at a particularly busy time of session.

15 And so this is a very important issue to all the members, but I

16 know like Representative Hochberg is doing appropriations and

17 public ed, and I know Representative Harless, I don't know if

18 y'all have redistricting today. But you will see the members

19 coming and going. It's not due to a lack of interest or concern

20 for the issue. But we at this point in session we're usually

21 scheduled to be, if we're lucky, at least three places at one

22 time. So that's where you'll see members coming and going. And

23 we appreciate your understanding.

24 The Chair lays out Senate Bill 14 by Senator

25 Fraser as pending business. Representative Harless offers up a



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1 committee substitute that will be laid before the Committee to  
2 Senate Bill, and we will now resume taking testimony on the  
3 Committee substitute to Senate Bill 14. And we will begin back  
4 with our expert witnesses.

5 Brian Kemp, the Georgia Secretary of State, is  
6 here representing himself as an individual and he is testifying  
7 neutral on the committee substitute to Senate Bill 14. Welcome  
8 from Georgia. We appreciate having you here.

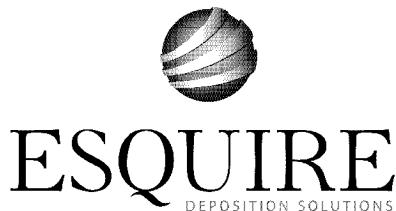
9 MR. KEMP: Thank you, Mr. Chairman and Members of  
10 the Committee. It's great to be back in Texas. I appreciate  
11 you having me here today. As the Chairman said, I am Brian  
12 Kemp, the Georgia Secretary of State.

13 I wanted to quickly just give you some background  
14 information on myself so you'll know where I'm coming from on  
15 this issue.

16 CHAIRMAN BONNEN: Mr. Secretary, I apologize for  
17 the interruption. Just so you know, the expert witnesses are  
18 being given ten minutes.

19 MR. KEMP: Okay. Very good. I am a proponent of  
20 photo ID legislation; however, I do not come to Texas to try to  
21 tell you-all how to legislate. I simply am coming to provide  
22 information about what we have with done in Georgia, our process  
23 and how our law has been implemented. And I hope this will help  
24 you as you consider this legislation.

25 I was in the Georgia Senate back in 2006, when



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1 our photo ID bill passed. So I have the experience of going  
2 through some of the same type of experiences that you are all  
3 going through now. And with that I'll give you a little bit of  
4 background information on our legislation.

5 In 2006 we did enact Senate Bill 84 which  
6 requires voters who cast their ballot in person to present one  
7 of six forms of acceptable photo identification. They are a  
8 Georgia driver's license, even if expired, a valid state or  
9 federal government issued ID including a free voter ID card  
10 issued by the voter's county registrar or the Department of  
11 Driver Services, valid U.S. Passport, a valid employee photo ID  
12 of any branch, department, agency or entity of the U.S.  
13 Government, Georgia or any county, municipality, board,  
14 authority or other entity of the State, a valid U.S. military  
15 photo ID or a valid tribal photo ID.

16 If a voter does not have photo ID or forgets to  
17 bring their photo ID to the polls, they still can cast a  
18 provisional ballot. The voter then has until the Friday after  
19 election day to obtain acceptable form of photo ID and return to  
20 their county elections office to have their vote counted. No  
21 voter is ever turned away from the polls because they do not  
22 have acceptable photo ID.

23 The Secretary of State's office implemented a web  
24 site, GeorgiaPhotoID.com, to educate Georgia voters about the  
25 photoed ID requirement for in-person voting, the free voter ID



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1 card for voters who do not have a voter ID, the free photo ID  
2 card available at the Department of Driver Services. The web  
3 site also contains flyers, posters, and brochures about  
4 Georgia's photo ID requirement that users can print and  
5 distribute.

6 I want to talk a little bit about our outreach  
7 and education. We conducted a statewide multimedia outreach and  
8 education campaign to inform Georgia voters about all facets of  
9 the photo ID requirement. The campaign was conducted prior to  
10 six elections between September of 2007 and November of 2008  
11 general election. We mailed out over -- or we did direct mail  
12 and utility bill inserts over five million pieces. We had  
13 packages of photo ID materials to nongovernment agencies, like  
14 chamber of commerce, churches and libraries. There were 633  
15 packages, over 57,000 pieces. We did 83,000 automated phone  
16 calls, 1,200 video PSAs, over 60,000 radio PSAs, and the office  
17 issued over 70 press releases.

18 The highlights of the campaign were the radio ads  
19 with Then-Secretary of State Karen Handler and Atlanta Falcons  
20 players. The PSAs increased awareness of the requirement, voter  
21 registration deadlines and early voting option. Also we  
22 advertised at the Atlanta Falcons' home games on their LED  
23 banners. We did radio ads that were purchased statewide on  
24 Clear Channel. And there were 400 ads that were placed inside  
25 Atlanta's Marta busses to remind riders of the photo ID



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1 registration.

2                   The free identification cards that we offered, I  
3 wanted to just go through the numbers real quick on those. In  
4 2006 we issued about 2,200 free ID cards, 4,200 in 2007. 2008,  
5 the presidential year, we issued over 12,000. We had about  
6 2,500 in 2009, 2,700 in 2010. And then when you count the  
7 thousand or so that the Department of Driver Services issued,  
8 the grand total was about 25,000 free photo IDs in a state of  
9 bumping ten million people that were issued. And 51 percent of  
10 those were issued in 2008, on the presidential year.

11                  To obtain the free photo voter ID card, there's  
12 four things that you have to do. You've got to provide a photo  
13 identity document or prove non-photo identity document that  
14 includes full legal name and date of birth, and you must  
15 document the voter's date of birth and evidence that the  
16 applicant is a registered voter and documentation showing the  
17 applicant's name and the residential address.

18                  I've actually got three pages of details about  
19 this process that I will submit to the Committee, and I will be  
20 glad to answer questions at the end of the remarks, if there are  
21 any, regarding this process. It's just a lot of information  
22 that you could probably get more from just looking at yourself.

23                  I wanted to -- I thought it would be important to give  
24 you an analysis of the votes that were cast in Georgia  
25 elections. More than 14,630,000 votes have been cast in 35



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1 state and federal elections in Georgia since 2007, when the  
2 photo ID was first required for in-person voting. These figures  
3 do not include municipal and county elections, which are  
4 administered locally in Georgia.

5 Additionally, the 2008 elections were the largest in  
6 Georgia's history, featuring record turnout among minority  
7 voters with the photo ID requirement in place. The following  
8 figures represent voter turnout statistics among Hispanic  
9 Latino, African-American and white voters from the 2004 and 2008  
10 elections.

11 In 2004 there was 18,000 Hispanic Latino votes cast.  
12 In 2008 there was 43,000, a 140 percent increase. The  
13 African-American vote in 2004 was 834,000. In 2008 it was 1.2  
14 million, a 42 percent increase. The white vote in 2004 was 2.3  
15 million and in 2008 it was 2.5 million, an 8 percent increase.

16 Also, I wanted to give you some statistics on  
17 provisional ballots that have been cast when the voter lacked  
18 photo ID and how many voters returned with photo ID to have  
19 their ballots counted. Voters who had voted provisionally  
20 because they lacked photo ID in the November 4th general  
21 election, there was about 1,200 out of almost 4 million votes  
22 cast. The voters who returned, of those 1,200 and provided the  
23 photo ID was 308. And there was 873 voters who did not return  
24 to clear up their provisional ballot.

25 In the December 2nd runoff for that general



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1           election there was 271 provisional ballots because they lacked  
2           photo ID out of 2.1 million votes cast. 82 of the 271 returned.  
3           So there was 189 that did not clear the provisional ballot up.

4           In the November 2nd, 2010 general election there  
5           were 381 provisional ballots because of lack of photo ID out of  
6           2.5 million cast. Of the 381, 108 returned to clear those up  
7           and there was 272 that did not. In that runoff, November 30th,  
8           2010 there was 35 provisional ballots out of about 265 that were  
9           cast. 6 of those 35 returned. 29 did not.

10           We can't know for sure why those that, you know,  
11           don't come back to clear it up -- some of the thoughts on that  
12           is the outcome of the election was not in doubt in those  
13           elections. So they just didn't bother to come back because they  
14           knew their vote, while it would count, it wouldn't matter in the  
15           end results. Obviously, they could have been attempting voter  
16           fraud or they simply didn't realize that they had to have a  
17           photo ID to vote, and even though they could have come back and  
18           gotten a photo ID in the three days after the election, they  
19           elected not to do that. And we are still very vigilant about  
20           making sure voters are aware of the photo ID requirement before  
21           all of our state and federal elections, and we do that through  
22           our office.

23           The total votes cast in person versus by mail in  
24           the past two general elections, in 2008, the November general  
25           election, we had about 3.6 million voters in Georgia and 91.2



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1 percent voted in person. We had about 350,000 mail-in ballots,  
2 and then for a total of just under 4 million votes.

3 The run off on December the 2nd, there was almost  
4 two million votes cast in person. That was about 90 percent of  
5 the vote. There were 216,000 mail-in ballots for a total vote  
6 of just over 2.1 million total.

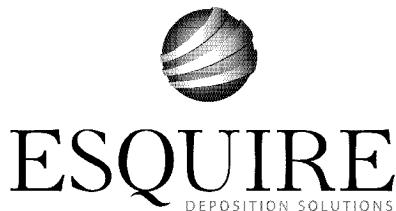
7 CHAIRMAN BONNEN: Mr. Secretary, I apologize, but  
8 your ten minutes are up. I'd like to begin asking you a couple  
9 questions, but I'd like to hear the rest of those numbers.

10 MR. KEMP: Okay. The November 2nd, 2010 general  
11 election, we had 2 -- well, almost 2.5 million votes. 93.4  
12 percent of those were in person. And then the November 30th  
13 runoff there was 265,000 votes cast and about 81 percent of  
14 those were in person.

15 CHAIRMAN BONNEN: Also, I want to make sure I  
16 understand. On the numbers of the provisional ballots -- and  
17 the numbers are somewhat unimportant in this question. You said  
18 there were 308 that came back the one time and 108 that came  
19 back and were cleared. I guess my question is of those that  
20 came back are you saying all were cleared?

21 MR. KEMP: No, sir. In the 2008 general election  
22 there were about 1,200 provisional ballots that were cast  
23 because of lack of photo ID. 308 of those 1,200 came back and  
24 showed their photo ID and had their vote counted. And then --

25 CHAIRMAN BONNEN: I guess that's what I'm trying



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1 to understand. Did more than 308 return, but they did not  
2 return with proper ID?

3 MR. KEMP: No. The rest of them just did not  
4 return at all.

5 CHAIRMAN BONNEN: So 308 people actually  
6 returned, and every one of the ones who returned had their vote  
7 counted?

8 MR. KEMP: Yes.

9 CHAIRMAN BONNEN: So there wasn't a single person  
10 who showed back up and didn't have their vote counted?

11 MR. KEMP: As long as you show up back up by  
12 close of business on the Friday following election and show your  
13 photo ID, your vote will be counted.

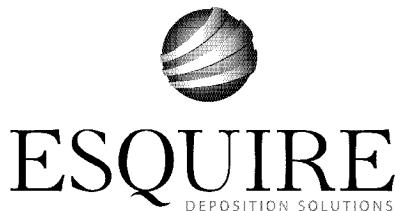
14 CHAIRMAN BONNEN: So again, to be clear, no one  
15 showed back up and, in turn, didn't have their vote counted? If  
16 they came up, they showed their ID, their vote counted. And  
17 those who chose not to return, you don't know why they didn't or  
18 what they didn't, but had they shown up with an ID, their vote  
19 would have counted?

20 MR. KEMP: That's correct.

21 CHAIRMAN BONNEN: And that was the same thing in  
22 2010. You had 108 showed back up. Each one of the people who  
23 showed back up had a proper ID, and you, in turn, counted them?

24 MR. KEMP: That's correct.

25 CHAIRMAN BONNEN: You had talked about the very



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1 positive educational opportunities y'all created using Atlanta  
2 Falcons football team and things. How much did the State of  
3 Georgia spend, do you know, on the educational programs?

4 MR. KEMP: Yes, sir. I just didn't quite get to  
5 that.

6 CHAIRMAN BONNEN: That's okay. You had a limited  
7 amount of time.

8 MR. KEMP: On the cost -- give me just a second  
9 here. In 2006 our initial contract was \$589,000. That contract  
10 included one photo ID system per county where people could go  
11 get their free photo I D. The installation and training of  
12 personnel, the production quantity updates, encryption service,  
13 a one-year system warranty, and the production of 10,000  
14 permanent voter ID cards.

15 The annual cost and training from 2008 to 2010  
16 was about \$170,000. The elections personnel online training was  
17 about \$15,000. So that grand total comes to about \$773,000.

18 And then we also did the outreach and education  
19 campaign, which was, you know, the advertising and those type  
20 things. We spent about 842,000 on that.

21 CHAIRMAN BONNEN: Did that include -- I  
22 apologize. Sorry to interrupt you.

23 MR. KEMP: And that brought the total cost from  
24 all of this to about \$1.6 million.

25 CHAIRMAN BONNEN: Did the \$842,000, did that --



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1 I'm assuming y'all had to pay to have it included in the  
2 electric bills or did the electric companies do that --

3 MR. KEMP: I'm not exactly sure what the -- how  
4 -- the exact number for those costs. I think the utility  
5 probably just let us put that copy in their -- without charging  
6 us postage costs. I can verify that for you, Mr. Chairman.

7 CHAIRMAN BONNEN: Okay. So you spent 770 -- the  
8 State of Georgia spent \$773,000 on education, outreach, and free  
9 IDs, correct?

10 MR. KEMP: Well, the 773 was on the system to  
11 produce the free photo ID, that initial contract and the  
12 training.

13 CHAIRMAN BONNEN: Then 842 was, in essence, the  
14 marketing campaign?

15 MR. KEMP: That's right, outreach and education.

16 CHAIRMAN BONNEN: Representative Hochberg has  
17 questions.

18 REPRESENTATIVE HOCHBERG: Can I just follow up on  
19 a couple more details on that specific question. The 842,000  
20 was over what period of time? Is that this four-year period  
21 that you mentioned?

22 MR. KEMP: Let me see. I think that was through  
23 2010.

24 REPRESENTATIVE HOCHBERG: 2006 through 2010. So  
25 that's a total number?



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1 MR. KEMP: Yes.

2 REPRESENTATIVE HOCHBERG: And do you anticipate  
3 continuing that before other elections or is this a one-time?  
4 What's your plan?

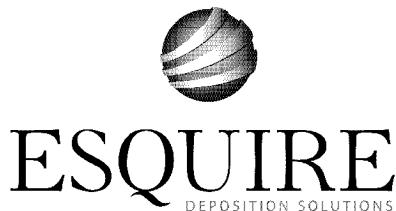
5 MR. KEMP: I think that was pretty much --  
6 actually, I think we did that from 2007 through the 2010  
7 elections, I believe. So we're really not -- we've had a pretty  
8 aggressive campaign. We still have the web site. We still have  
9 the information on our web site. We do press releases before  
10 all the elections, reminding people. But we're really not doing  
11 much outreach now. And I think the reason why is because we've  
12 only issued 25,000 free IDs, and a lot of the naysayers of the  
13 legislation said there would be 60,000 or 80,000 or some big  
14 number. We just didn't see the demand there.

15 REPRESENTATIVE HOCHBERG: Parts of the  
16 advertising is about bringing your ID to the polls, or was it  
17 just for the free ID outreach?

18 MR. KEMP: It was both. It was to make people  
19 aware that they had to have a free photo ID to vote in person,  
20 but also if they didn't have one, we can get you one.

21 REPRESENTATIVE HOCHBERG: Excuse me for asking  
22 the question I should know the range on: How many people in  
23 your state, or how many voters?

24 MR. KEMP: We've got about 10 million people in  
25 the state now and about half of those, a little over 5 million,



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1 are registered voters.

2 REPRESENTATIVE HOCHBERG: About 10 million total  
3 people. That's not voting age?

4 MR. KEMP: Right.

5 REPRESENTATIVE HOCHBERG: How many eligible; do  
6 you know?

7 MR. KEMP: I'm not sure about the eligible.

8 REPRESENTATIVE HOCHBERG: You've got about 5  
9 million registered?

10 MR. KEMP: We can get that number for you too.

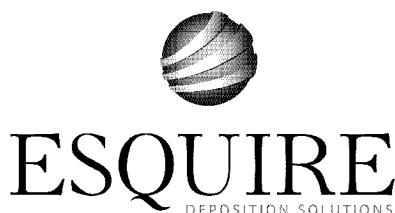
11 REPRESENTATIVE HOCHBERG: I'm just trying to make  
12 sure that I know what the numbers are that I'm writing down.  
13 And just from the standpoint of your media campaign, you've got  
14 basically one large media market, and then where do you go other  
15 than Atlanta?

16 MR. KEMP: Well, Atlanta is the major TV market,  
17 but there's also a TV market in Augusta, which is on the east  
18 side of the state, Columbus, Macon and Savanna. And there's a  
19 little bit of one in Albany, which is southwest Georgia, but  
20 those are really very minor compared to the Atlanta market.

21 CHAIRMAN BONNEN: Representative Harless has  
22 questions, and then after Harless, Representative Gutierrez and  
23 then Representative Watson.

24 Representative Harless.

25 REPRESENTATIVE HARLESS: I know you had some



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1       delays, and we appreciate you making it here today. When you  
2       talked about your elections from September 2007 until 2009, you  
3       said six elections.

4                    MR. KEMP: No. We've -- well, that was -- I  
5       think the outreach that we did during that time was before those  
6       six elections. But total since the bill has been implemented, I  
7       think we've had 35 elections.

8                    REPRESENTATIVE HARLESS: Y'all have a lot of  
9       elections.

10                  MR. KEMP: We do, and that number probably pales  
11       in comparison if you count municipal elections and county  
12       elections because there's a lot of those that go -- a lot of the  
13       municipal elections are in off years from the state and federal  
14       elections. And then there's special elections. There's special  
15       local office elections. But we do have a lot of elections.

16                  REPRESENTATIVE HARLESS: When you talked, you  
17       serve as the Secretary of State now, but you served in the  
18       Senate when your voter photo ID passed. What was the specific  
19       reason that the Georgia legislature felt like this was important  
20       to pass?

21                  MR. KEMP: Well, I think just securing our  
22       elections, continuing to make them more secure. And, you know,  
23       when I was in the senate I was in a very tough district. It was  
24       kind of a 50/50 district. And, you know, quite honestly, this  
25       was an issue. I knew I'd have a lot of people in my district



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1 that were for it and a lot were against it. And there was, you  
2 know, obviously heated and mostly partisan debate in the  
3 legislature. But I'll tell you that since it was passed, when I  
4 got back home, when I was in the Senate and having campaigned  
5 over the last two years statewide, you know, the wide majority  
6 of Georgians support showing a photo ID when you go vote. And  
7 the reason we did it was just to continue to keep our elections  
8 secure.

9 REPRESENTATIVE HARLESS: Can y'all tell me why  
10 y'all chose the two-day cure because our legislation has the  
11 six-day cure in there for the provisional ballot. Why did you  
12 choose a two-day cure?

25 | REPRESENTATIVE HARLESS: You'll see this is a



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1 first for me as well. We're going to have Skype testimony here  
2 today. So electronic age has met the Texas legislature as well.  
3 Can you tell me about your pre-clearance process.

4 MR. KEMP: Yes. We -- that was another section I  
5 didn't quite get to. We had pre-clearance on the original  
6 legislation after it was signed in about two months. The rules  
7 and regulations forms, applications, et cetera that implemented  
8 the legislation was pre-cleared in about eight days. And then,  
9 of course, we had numerous lawsuits that we have won every one  
10 of them. So it really didn't take us too long to get  
11 pre-cleared.

12 REPRESENTATIVE HARLESS: So how long did you  
13 spend in litigation?

14 MR. KEMP: Well, we're still in litigation. And,  
15 you know, our photo ID law has withstood scrutiny in the Georgia  
16 Supreme Court and the 11th Circuit Court of Appeals in the Lake  
17 Purdue case which was decided in 2007.

18 There was another case, Common Cause versus  
19 Phillips that was decided in 2009. The 11th circuit found that  
20 the burden imposed by the requirement of photo ID is outweighed  
21 by Georgia's interest in safeguarding its right to vote. Also,  
22 there has not been one single person that has been found that  
23 could not vote because they did not have a photo ID or because  
24 of the law.

25 And then right now the democratic party of



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1 Georgia in Georgia versus -- the Democratic Party of Georgia  
2 versus Purdue is currently pending in the Georgia Supreme Court.  
3 In April of 2010 the lower court dismissed the lawsuit of the  
4 Democratic Party of Georgia on the grounds that the Georgia  
5 photo ID law did not violate the Georgia Constitution.

6 We are hopeful that this will be the last court  
7 case for our photo ID legislation.

8 REPRESENTATIVE HARLESS: And the U.S. Supreme  
9 Court refused to hear the case?

10 MR. KEMP: That's correct.

11 REPRESENTATIVE HARLESS: Can you tell me, we were  
12 talking about the money you spent, the PR and the media and the  
13 training, the \$1.6 million. Did you have the availability of  
14 HAVA funds, Help America Vote funds, to help offset some of  
15 those costs?

16 MR. KEMP: I'm not exactly sure where we were on  
17 the time at our HAVA funds. We used State funds for this  
18 outreach. However, I will say that if we were in today's  
19 economy, we would probably be looking at using HAVA funds.

20 REPRESENTATIVE HARLESS: Thank you so much.

21 MR. KEMP: You're welcome.

22 CHAIRMAN BONNEN: Represent Gutierrez has  
23 questions.

24 REPRESENTATIVE GUTIERREZ: Thank you, Mr.  
25 Chairman. Well, I have a number of questions, and I don't want



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1 to belabor the point on the whole curing elections, but did you  
2 find that there was a tremendous amount of voter fraud or voter  
3 impersonation, I should say, going on?

4 MR. KEMP: I don't know that there's any real way  
5 you can tell.

6 REPRESENTATIVE GUTIERREZ: Did you have hoards of  
7 Mexicans going over there to vote?

8 MR. KEMP: I'm sorry?

9 REPRESENTATIVE GUTIERREZ: Did you have hoards of  
10 Mexicans? We had heard earlier that we had hoards of Mexicans  
11 voting. Did you have hoards of Mexicans voting?

12 MR. KEMP: Well, I didn't see that.

13 REPRESENTATIVE GUTIERREZ: So was there any  
14 investigation by the government, your attorney general or  
15 anything prior?

16 MR. KEMP: Well, I serve as Chairman of the State  
17 Elections Board, and we have had non-citizens voting in Georgia.  
18 We've got non-citizens on our voter registration rolls now.  
19 We've been fighting the Justice Department for the last couple  
20 of years about that and have won our first case with them and  
21 we're in another one with them right now. But WSB, a big  
22 Atlanta TV station, did a big investigation that highlighted  
23 hundreds of non-citizens that are on our rolls. And we have had  
24 non-citizens voting in our elections.

25 REPRESENTATIVE GUTIERREZ: And you say there's



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1 some lawsuit out there that suggests that?

2 MR. KEMP: No. We have a lawsuit to check -- we  
3 passed a state law in 2009 to check citizenship before we  
4 register someone to vote, and we're actually suing to get  
5 pre-clearance.

6 REPRESENTATIVE GUTIERREZ: And what's the name of  
7 that lawsuit?

8 MR. KEMP: I guess it could be Kemp versus  
9 Holder. We can get you the information on that if you'd like  
10 it, Representative.

11 REPRESENTATIVE GUTIERREZ: I appreciate it. But  
12 you haven't witnessed hoards of Mexicans voting in Georgia; is  
13 that your testimony?

14 MR. KEMP: No, I haven't.

15 REPRESENTATIVE GUTIERREZ: I do want to commend  
16 you. You allow a few more ways of allowing people to vote.  
17 You've got an expired driver's license is sufficient, right?

18 MR. KEMP: That's correct in Georgia.

19 REPRESENTATIVE GUTIERREZ: So if someone's not a  
20 very good driver, gets their license suspended, and they still  
21 have it, that still passes?

22 MR. KEMP: Yes. And just like my stepfather, who  
23 can't see very well now and doesn't drive, his driver's license  
24 expired. He can still use that when he goes to vote.

25 REPRESENTATIVE GUTIERREZ: That's a good point



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1 because sometimes what happens to some of our senior citizens is  
2 that they get their privileges revoked or they just choose to  
3 make the right decision and they can't see as well, like my dad  
4 can't see as well anymore. So we have myself or other members  
5 of my family drive him around at times or he just simply doesn't  
6 drive. So we have a lot of seniors that simply choose not to go  
7 out and renew it for whatever, convenience, and they keep their  
8 old driver's license. So an expired driver's license is okay in  
9 Georgia.

10 MR. KEMP: It is okay in Georgia. Now, we would  
11 also, if they did not have that, would give them a free ID.

12 REPRESENTATIVE GUTIERREZ: Very good. And you  
13 mentioned six things. So I've got the driver's license, expired  
14 driver's license, the military ID, the tribal ID, any valid  
15 government ID that would show that I'm an employee of the State  
16 of Texas, if I were an employee of the State of Georgia. I  
17 guess that would work, right.

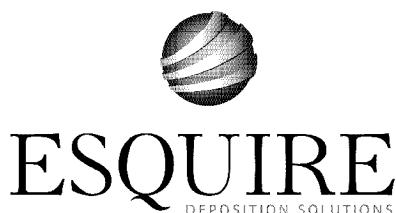
18 MR. KEMP: That's correct.

19 REPRESENTATIVE GUTIERREZ: A U.S. passport or a  
20 valid U.S. passport?

21 MR. KEMP: Yes, sir.

22 REPRESENTATIVE GUTIERREZ: And you mentioned  
23 something about a county registrar. Would that be my --

24 MR. KEMP: Any county, municipality, board or  
25 authority or other entity of this state.



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1 REPETENTATIVE GUTIERREZ: Okay. And what is  
2 that, just an ID from any county --

3 MR. KEMP: Like if you were a county manager for  
4 the Clark County and you had a photo ID, that would work.

5 REPETENTATIVE GUTIERREZ: So you allow for more  
6 options. I like the expired piece. That's good.

7 MR. KEMP: I will tell you this, that when our  
8 legislation passed, everybody thought it was draconian and way  
9 over the top. And now we have a lot of folks that point to our  
10 legislation because some other states are trying to pass things  
11 that are much tougher than what we did.

12 REPETENTATIVE GUTIERREZ: Do y'all exempt people  
13 over 70 years of age from having to have an ID at all?

14 MR. KEMP: I'm not sure about that. I'd have to  
15 check.

16 REPETENTATIVE GUTIERREZ: This legislation, we  
17 do actually. So anyone over 70 is not required to have the ID.  
18 So that's a nice difference. And I think I read, maybe it was a  
19 prior senate bill, it was April prior to 2012. So that may not  
20 be the case and that remains to be seen in some point for  
21 seniors that are going to be 70, let's say ten years from now.

22 And so you spent all this money, about 1.6  
23 million. And that last comment actually brings to mind  
24 something else. I mean, you would agree with me that there's  
25 kind of a continual education that needs to happen for election



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1 after election.

2 MR. KEMP: Well, there's continual education  
3 about a lot of the laws that we pass and I'm sure that are still  
4 getting passed today.

5 REPRESENTATIVE GUTIERREZ: But certainly not to  
6 the extent that you spent \$842,000 in an ad campaign in the  
7 beginning, correct?

8 MR. KEMP: I would agree with that.

9 REPRESENTATIVE GUTIERREZ: You're not spending  
10 that kind of money now, are you?

11 MR. KEMP: No, sir. We're actually saving some  
12 money now because of the photo ID requirement. We've put a  
13 barcode scanner in at least one in all of our precincts in  
14 Georgia. So now when people come to the polls they can actually  
15 scan the driver's license and will be able to on the photo ID,  
16 pulls their name up on the express poll which speeds the process  
17 up for our voters, plus makes it quicker which allows the  
18 counties to have less people in there. And counties are also  
19 using other equipment that actually prints the forms out for  
20 early in-person voting, which is speeding the time up. So, you  
21 know, now, because we've done this, we're starting to see some  
22 savings, mostly at the county level.

23 REPRESENTATIVE GUTIERREZ: You mention something  
24 about an annual cost of \$70,000 in that contract. Is that  
25 continuing beyond the four or five-year period in \$589,000 cost?



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1 MR. KEMP: The annual cost in training was from  
2 2008 to 2010, was 170. But we do annual training regardless.  
3 I'm sure, you know, most states or counties do that. I mean, we  
4 have two different sessions every year with our registrars and  
5 our elections officials where we do training. We've got an  
6 E-learn electronic web site type training system. So that  
7 continually goes on in Georgia.

8 REPRESENTATIVE GUTIERREZ: And I'm wrapping this  
9 up, Mr. Chairman.

10 CHAIRMAN BONNEN: Sure.

11 REPRESENTATIVE GUTIERREZ: One of the big  
12 questions that I had was I was concerned. You gave us some '04  
13 numbers and '08 numbers to show an increase in Latino and  
14 African-American voting and they were certainly very  
15 substantial. But you would agree with me that was in large part  
16 because of a monumental election in our country with President  
17 Obama being elected. Wouldn't you agree with that statement?

18 MR. KEMP: I probably would agree with that.

19 REPRESENTATIVE GUTIERREZ: So I didn't hear  
20 numbers from '08 to 2010 as far as Latino and African-American  
21 voters.

22 MR. KEMP: We were trying to be consistent in the  
23 election that we were trying to compare presidential to a  
24 presidential election.

25 REPRESENTATIVE GUTIERREZ: All right.



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1 MR. KEMP: We can get you those other numbers, if  
2 you'd like.

3 REPRESENTATIVE GUTIERREZ: But you had some other  
4 2010 numbers, but we don't have the African-American, Latino  
5 turnout for --

6 MR. KEMP: Right. Those elections we're talking  
7 about the provisional ballots.

8 REPRESENTATIVE GUTIERREZ: Is it safe to argue  
9 that those numbers would be substantially less than certainly  
10 the 2008?

11 MR. KEMP: Well, I mean, I would hate to commit  
12 to that answer, not seeing the figures. I mean, obviously 2008  
13 was a historic day for African-Americans and --

14 REPRESENTATIVE GUTIERREZ: For the country?

15 MR. KEMP: Yeah, absolutely, and in Georgia. And  
16 we had huge turnout, which was great. But I think, you know, in  
17 2010, even though our vote total is down, which it always is for  
18 gubernatorial races, in my belief we had a pretty strong  
19 African-American turnout as well.

20 CHAIRMAN BONNEN: Mr. Secretary, I would  
21 appreciate it -- Representative Gutierrez, if you would agree, I  
22 think what would be valuable is if you would show us the vote  
23 totals from '06 comparative to '10 because I think it is  
24 reasonable to compare presidential to presidential and  
25 gubernatorial to gubernatorial. Not to send you back to Georgia



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1 with homework from Texas, but we would appreciate it.

2 MR. KEMP: Can we bill you for that? No, I'm  
3 just kidding.

4 CHAIRMAN BONNEN: Don't send the collectors over.

5 MR. KEMP: All right. You want general election?

6 CHAIRMAN BONNEN: If we could see the comparisons  
7 of '06 to '10, the gubernatorial '06 election to the  
8 gubernatorial 2010 election.

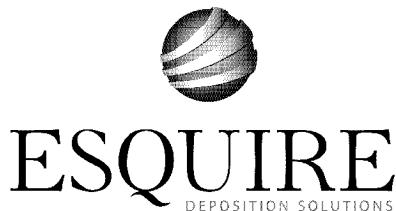
9 REPRESENTATIVE GUTIERREZ: Thank you for that  
10 recommendation. I think that that would be some good numbers.

11 CHAIRMAN BONNEN: And we've got all the time you  
12 need. I didn't want to cut you off. You keep asking the  
13 questions you have.

14 REPRESENTATIVE GUTIERREZ: My last question. Are  
15 you enjoying your brief stay in Austin?

16 MR. KEMP: Well, I tell you, Representative, I  
17 wish it had been a little bit longer. It was going to be brief  
18 regardless. But I would have loved to have come in last night  
19 and stay in Downtown Austin and bought a meal here. But  
20 unfortunately we had a bad storm that came through. So I got to  
21 fly here today and I'm leaving this afternoon. My wife and I  
22 were actually here before Christmas with some other Secretary of  
23 States and had a good conference and certainly a great stay in a  
24 great state and a beautiful city.

25 REPRESENTATIVE GUTIERREZ: Well, come to San



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1 Antonio. We have the best basketball team in the nation.  
2 You're invited.

3 CHAIRMAN BONNEN: Real quick, little  
4 housekeeping. Let the record show Representative Taylor is present.  
5 Representative Hilderbran is present. Vice Chair Veasey is  
6 present. And now Representative Aliseda has some questions and  
7 then we'll come to Vice Chairman Veasey for his questions.

8 REPRESENTATIVE ALISEDA: Mr. Kemp, what I took  
9 from your testimony is that you, like we, were experienced  
10 naysayers, that this was going to be something that would affect  
11 minorities well into the future; is that correct?

12 MR. KEMP: Well, I wasn't a naysayer. I felt  
13 like the legislation made good common sense to me. But in the  
14 district that I was in, there was a lot of naysayers in my  
15 district that voiced their concerns.

16 REPRESENTATIVE ALISEDA: And you were able to  
17 show statistically, though, that those dire predictions did not  
18 come as was said; is that correct?

19 MR. KEMP: Well, and I think when I looked at  
20 these numbers as we were preparing them, I was very encouraged  
21 by them. I thought the numbers speak for themselves, that we've  
22 had minority -- increase in minority in-person voting. And  
23 we've had -- I mean, even with our photo ID legislation, we  
24 have, on average, over 90 percent of our population that votes  
25 in person, and that's pretty amazing to me.



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1 REPRESENTATIVE ALISEDA: Have you seen a report  
2 prepared by the Heritage Foundation regarding data analysis and  
3 voter ID laws?

4 MR. KEMP: I think I have read that report.

5 REPRESENTATIVE ALISEDA: Do we have that as part  
6 of the record, Chairman Bonnen?

7 CHAIRMAN BONNEN: I have a copy. There is no  
8 official record.

9 REPRESENTATIVE ALISEDA: There is no official  
10 record. Okay. I have no further questions.

11 CHAIRMAN BONNEN: This is not a legal proceeding  
12 so there is not an official record. We're not the Senate. They  
13 don't like us to pretend that we are.

14 Vice Chairman Veasey has questions, Mr.  
15 Secretary.

16 VICE CHAIRMAN VEASEY: And one of tings that I  
17 remember when the whole voter ID controversy started in Georgia  
18 I know that one of the columns that Cynthia Tucker wrote, who  
19 was a columnist for Atlanta Journal, the African-American  
20 columnist that is one of the liberal columnists, she had  
21 mentioned that, you know, that if there was a slow  
22 implementation of the bill that then you could -- and I think  
23 that even in the Carter Baker report they even talk about that,  
24 instead of trying to immediately, you know, put something on  
25 someone's back, just giving them a chance to understand the law.



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1 And it looks like from the questions that Representative  
2 Gutierrez was asking you a second ago that y'all -- sound like  
3 y'all kind of made some changes that would allow people to  
4 understand what was going on and give people more opportunities  
5 to exercise their suffrage.

6 MR. KEMP: Well, I will tell you this. Ms.  
7 Tucker and I don't agree a whole lot politically. And I think  
8 the way Georgia implemented the law was very reasonable from the  
9 timeframe. And I think just when you take the politics out of  
10 this, I think it's a very simple argument for our citizens.  
11 Most of them already have a photo ID. We can't get in  
12 government buildings without a photo ID. We can't write a  
13 check. I can't get on the airplane to go home without a photo  
14 ID. That doesn't mean that there aren't folks out there that  
15 don't have them and need our assistance to get a photo ID.

16 VICE CHAIRMAN VEASEY: There are other ways that  
17 people can -- there are exceptions to everything, even getting  
18 on a plane. You need to have a photo ID to get on a plane, but  
19 there are other ways that you can -- it may be more burdensome,  
20 but there are other ways you can get on a plane without having a  
21 photo ID.

22 MR. KEMP: And we have other ways that people can  
23 vote in Georgia. You can vote absentee without a photo ID. And  
24 I will submit a copy of these remarks for you that talk about  
25 how you can get a photo ID in Georgia. And it is very, quote,



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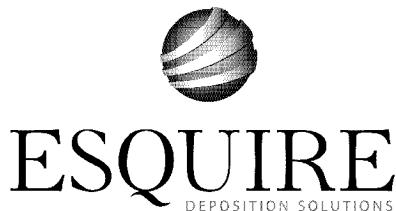
1 liberal in the ways that you can get a photo ID. I mean,  
2 there's just a multitude of documents that you can show that  
3 will allow you to get a photo ID so that you can be able to vote  
4 in Georgia.

5 VICE CHAIRMAN VEASEY: Have you heard -- one  
6 other thing that I thought was interesting that you talked  
7 about, the 2010 election results because you thought that  
8 perhaps that the African-American numbers might have gone up  
9 during the 2010 election. Have you heard that maybe other  
10 states want to -- including our state, maybe want to pass other  
11 more stringent laws because they still think that people are  
12 still casting these illegal ballots and that the Georgia law did  
13 not go far enough so other states need to be tougher than the  
14 Georgia law? Have you heard that in political circles?

15 MR. KEMP: Not in political circles. In reading  
16 media regards, press clips, there's certainly a lot of other  
17 states around the country who are trying to implement photo ID  
18 legislation to I think further secure their elections. I don't  
19 think the reasoning behind that is to try to keep any certain  
20 group from voting. That certainly was not our intent in  
21 Georgia. And I think you can see from numbers in in-person  
22 voting that that hasn't proved to be true.

23 VICE CHAIRMAN VEASEY: So are you happy with your  
24 law? Are you happy with the bill that was passed?

25 MR. KEMP: Yes. I'm happy with the legislation



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1           that we passed in Georgia. I'm happy with the implementation  
2           that we've had. And we continue to work hard, you know, every  
3           year at making citizens aware that they need a photo ID. If  
4           they don't have one, we'll give them a free one. And we'll  
5           continue to do that as long as this is in place.

6                         And to just address your one point about the  
7           African-American vote in 2010, I don't believe I said that the  
8           turnout had increased. I believe I said I think that there was  
9           still a very strong African-American turnout.

10                  VICE CHAIRMAN VEASEY: It will be interesting to  
11           analyze the numbers, but that was sort of a concern for me when  
12           I saw the Senate debating the bill and I saw this was going to  
13           be a much more stringent bill than that one that Mary Denny had  
14           carried. That was a representative that's no longer here, and  
15           the one that Betty Brown had carried before. I was concerned  
16           about that because what I don't want to get into is, okay, we  
17           didn't disenfranchise enough African-Americans in Georgia so we  
18           need to come up with a more strict law here.

19                  MR. KEMP: I don't think we disenfranchised  
20           anyone.

21                  VICE CHAIRMAN VEASEY: We didn't disenfranchise  
22           enough people that ride the bus or we didn't disenfranchise  
23           enough people that carry Medicaid cards or whatever. So we need  
24           to come up with even something more stringent so we can get that  
25           1 to 3 percent and, you know, skim that off the top so that we



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1 can win close elections. I don't want that to happen.

2 MR. KEMP: Well, Representative, let me just make  
3 sure that this committee is clear that we have not  
4 disenfranchised anyone in Georgia.

5 VICE CHAIRMAN VEASEY: Sounds like you're giving  
6 people a chance to --

7 MR. KEMP: And I'll say we have not tried to  
8 disenfranchise especially any minority group. Up until this  
9 year we actually had two African-Americans that had continually  
10 won statewide races in Georgia.

11 VICE CHAIRMAN VEASEY: Thank you.

12 MR. KEMP: Yes, sir.

13 CHAIRMAN BONNEN: Any other questions, members?  
14 Appreciate you taking the time to come to Texas and give us your  
15 testimony today. It's very helpful. And I think, for the  
16 record, I don't think anyone in Texas has come out and said they  
17 want to disenfranchise more or greater numbers of voters. So  
18 thank you for being here.

19 MR. KEMP: Well, thank you, Mr. Chairman. If you  
20 don't mind, I'll give you a copy of my remarks as well just so  
21 you'll have the numbers then we'll get you the numbers on the  
22 other you requested.

23 CHAIRMAN BONNEN: Thank you very much for your  
24 help. The Chair will now call another expert witness, Luis  
25 Figueroa, Mexican American Defense Education Fund MALDEF, here



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1 to testify against committee substitute to Senate Bill 14. And  
2 he will be testifying. Thank you, Luis.

3 MR. FIGUEROA: Thank you, Chairman. My name is  
4 Luis Figueroa.

5 CHAIRMAN BONNEN: And you have ten minutes,  
6 remember.

7 MR. FIGUEROA: Yes. My name is Luis Figueroa.  
8 I'm the legislative staff attorney with the Mexican American  
9 Legal Defense and Educational Fund. I thank you for this  
10 opportunity to provide invited testimony. The one message that  
11 I would like to get out is the idea of voter ID is oftentimes  
12 described as a clear yes and no question of either you have an  
13 ID or you don't have an ID. And actually, most of these bills,  
14 whether you go from Georgia, Indiana, Texas, Michigan, it's on a  
15 continuum of what documents you need and what safeguards are in  
16 place to implement the identification requirements.

17 And so the key is not so much, is there a voter  
18 ID requirement or not. The key is finding the right balance of  
19 security versus access. And we believe that SB14 unbalances  
20 that spectrum to the point that we are too focussed on  
21 preventing one single type of fraud and potentially taking away  
22 access on the other side of the pendulum.

23 There have been numerous studies talking about  
24 concerns about additional ID requirements, and it's difficult to  
25 evaluate one election from the next when you look at voter



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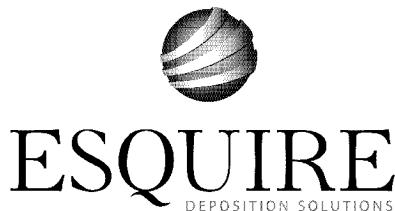
1 turnout, but some experts have tried to do their best. And one  
2 of them was Barreto Nuno Sanchez in a report called Voter ID  
3 Requirements and the Disenfranchisement of Latino, Black and  
4 Asian Voters. And they found that naturalized citizens and  
5 minority voters are significantly less likely to provide  
6 multiple forms of identification.

7 They also found that minority voters were  
8 consistently less likely to have each form of identification and  
9 that the data reflects identification trends of actual voters,  
10 not just adult citizens. The findings go farther to suggest  
11 that voter identification laws could immediately disenfranchise  
12 many Latino, Asian and African-American citizens.

13 The Rutgers study, which was produced by  
14 Vilsadian Anderson stated that the predicted probability that  
15 Hispanics would vote in a state that required non-voter  
16 identification was about 10 percent lower than in states where  
17 Hispanic voters gave their names.

18 The Wisconsin study, which was a study of how  
19 many people had the documents, found that less than half, 40  
20 percent of Milwaukee County African-American adults and 43  
21 percent of Hispanic adults had valid driver's licenses compared  
22 to 85 percent of white adults in the balance of the state.

23 The Brandon Center came back with a report and  
24 said that citizens with comparative low incomes are less likely  
25 to possess documentation proving their citizenship and as many



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1 as 11 percent of United States citizens, more than 21 million  
2 individuals, do not have government issued photo identification.

3 They went on to state that 25 percent of  
4 African-American voting age citizens have no current government  
5 issued photo ID compared to 8 percent of white voting age  
6 citizens. And 10 percent of voting age citizens who have a  
7 current ID do not have a photo ID with both their current  
8 address and their current legal name.

9 So obviously, there's numerous studies and  
10 there's different ways of evaluating turnout and impact and how  
11 many identification. But we believe that the data that we've  
12 seen has had an impact on Latino and African-Americans.

13 The one thing we point out is that Texas does  
14 have a voter ID requirement on books now. You are required to  
15 bring either a voter registration certificate, a picture ID, or  
16 a non-picture ID from a contained list of documents.

17 So the question is not whether we're going to  
18 implement a voter ID, but what the new documentation requirement  
19 and how restrictive we're going to make it and how many  
20 safeguards we're going to put in place. We know that there are  
21 294,000 people who registered from 2006 to 2010, who registered  
22 with a Social Security number and not a driver's license, and  
23 that there are 34,506 who registered without a Social Security  
24 number or a driver's license. We also know that there are 2.1  
25 million Texas registered voters who only are listed by their



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1 Social Security number and that there are 690,000 voters on the  
2 roles who have neither a Social Security number or a driver's  
3 license in the voter database.

4 So we have the potential for disenfranchisement.  
5 Those are just based on the numbers of people who are currently  
6 registered. We also know that what isn't tracked by any studies  
7 or tracked by the current number of registered voters are the  
8 people who are low income, who use public transportation and  
9 move in and out and don't have a correct address on their  
10 driver's license.

11 We know that there will be potential victims of  
12 identity theft who don't have their identifications on them at  
13 the time, natural disaster victims, recent arrivals to Texas,  
14 and, of course, our Native American population.

15 In fact, in Arizona, which was the case that  
16 MALDEF litigated on identification requirements, Maricopa  
17 County, 2 percent of voters were unaware of the new requirements  
18 on election day. In Texas that would amount to about 161,000  
19 potential ballots cast in the presidential election in '08.

20 What we also found in Maricopa, which was also  
21 confirmed by what we heard in Georgia, is that when you offer  
22 conditional provisional ballots or an opportunity for people to  
23 come back and bring that identification or cure their ballots,  
24 people by in large do not come back. And we heard the numbers  
25 from Georgia in the previous testimony. In Maricopa County 739



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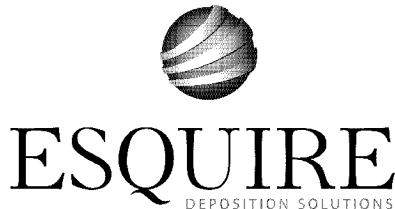
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1        were not counted of the conditional provisional ballots, and 144  
2        of those were Hispanic.

3                  We found in Maricopa County, we have found it in  
4        Georgia, we found it in pretty much across the state, that  
5        people don't come back to cure provisional ballots, regardless  
6        the number of days. But certainly if you make it a small number  
7        of days and you don't include a weekend in there, there aren't a  
8        lot of opportunities for people to come back.

9                  And so what we wanted to state is since we are  
10       having a very restrictive requirement in front of us in SB14,  
11       more restrictive than SB362 last session, more restrictive than  
12       the Indiana voter ID law, more restrictive than the Georgia ID  
13       law, more restrictive than the Arizona ID law, that we are  
14       potentially risking violations of -- potential litigation and  
15       violations of the law.

16                  The laws that potentially come into play  
17       including the 14th amendment, undue burdens. This was the  
18       challenge that Indiana was challenged under. It wasn't a Voting  
19       Rights claim. It was a 14th Amendment undue burdens claim. And  
20       the thing that the Courts looks at was the balancing test. They  
21       looked at the security concerns versus the access concerns. And  
22       they looked at whether or not there were provisions to provide  
23       exceptions for people like the elderly. For instance, the  
24       elderly were allowed to bring a Medicaid card to cure ballots.  
25       They looked at the rural nature of the state. And so in Texas



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1           we might have more concerns or bigger problems since we have a  
2           more restrictive list than Indiana. We only allow for four  
3           documents. We have a shorter cure period. We have a bigger  
4           state, more rural areas and a lot more minorities.

5           The other laws that come into play are the Voting  
6           Rights Act, Section 5 and Section 2. So Texas is a Section 5  
7           state so we'll have to submit it for pre-clearance. We know  
8           that Latinos are very mobile in Texas with not a lot of home  
9           ownership. We know that Latinos also -- we have many citizens  
10          in Texas that are derivative citizens, meaning that they are  
11          citizens because their parents were citizens. They might have  
12          been born abroad. They may not have a birth certificate. They  
13          may not have the documents that are necessary under the DPS  
14          rules to get a driver's license.

15           And then we also know we have Section 2, which is  
16          the dilutive potential on African-Americans and Latinos. That's  
17          a similar analysis to Section 5 except we look at the dilutive  
18          effect rather than the retrogressive effect.

19           And then the one that I would say has been the  
20          least successful in challenges, and that's the poll tax, which  
21          is the cost of obtaining the ID. It costs hundreds of dollars  
22          to get a naturalization certificate. It costs over \$30 to get a  
23          birth certificate. It costs money to get a passport. And, of  
24          course, it costs time and money to get these documents.

25           At the end of the day we're talking about trying



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1 to find the right balance. We believe the right balance  
2 includes one form of picture identification or two forms of  
3 non-photo identification, a signature affidavit attesting to  
4 name, address and eligibility, similar to the way Michigan and  
5 Florida are doing it. Those have worked very well in  
6 conservative states as well as in states with a lot of  
7 minorities. And if you wanted to improve access, you could add  
8 same-day election voter registration with an ID requirement.  
9 You could do more training and provide for more funds for  
10 education. And, of course, you could offer free IDs, which this  
11 bill does provide. Those are some of the options you could look  
12 at so you could protect against the fraud, but also protect  
13 against the access.

14 We know there's a lot of different types of fraud  
15 in Texas. In fact, we have received the flyer from Tarrant  
16 County where a voter was submitted flyers and there were flyers  
17 all over the community where voters were told to vote on the  
18 wrong day. This is the type of fraud that isn't addressed by  
19 this bill. We know there are other types of fraud that aren't  
20 addressed by this bill. So we believe in looking at the  
21 problems wholistically, addressing the fraud and the access,  
22 finding the right balance and insuring that we don't go too far  
23 in that pendulum that's going to lead to litigation, higher  
24 costs, and potential disenfranchisement of many voters,  
25 including Latinos and African-Americans. And I thank you for



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1           this opportunity and I hope that we can have further  
2           conversations about this.

3                             CHAIRMAN BONNEN: Okay. Thank you. Vice Chair  
4                             Veasey has questions.

5                             VICE CHAIRMAN VEASEY: And that's the -- what I  
6                             was trying to point out earlier when I was talking about the  
7                             Secretary of State from Georgia, what I don't want to see here,  
8                             because no one -- even if someone is for disenfranchising  
9                             people, no one is going to admit that. I mean, people have  
10                            definitely learned from mistakes in the past. And I don't want  
11                            to think that anyone -- I think that that's horrible. I don't  
12                            want to think that anyone wants to disenfranchise anybody. I  
13                            hope that that's a chapter of our history that we have left  
14                            behind 40 years ago.

15                            MR. FIGUEROA: That's right.

16                            VICE CHAIRMAN VEASEY: I don't want our country  
17                            to ever have to revisit that. I don't want us to ever have to,  
18                            you know, go and march on the streets or, you know, do any of  
19                            those things that people had to do 40 years ago.

20                            MR. FIGUEROA: All the reasons why we are a  
21                            Section 5 state.

22                            VICE CHAIRMAN VEASEY: I think that would be  
23                            absolutely horrible. But I mean, you talked about the same-day  
24                            voter registration. And, you know, whatever that comes up, I  
25                            can't understand -- and I don't know if you have an opinion on



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1           this. I can't understand why people immediately say no,  
2           absolutely not, no way. So when I hear that and, you know, when  
3           MALDEF or NAACP or anyone hears that, you know, I have concerns  
4           because it almost seems like that instead of trying to reach  
5           some sort of compromise or instead of that -- no, that's not the  
6           result that we're trying to yield here and same-day voter  
7           registration is completely off the table. Of course, no one  
8           would ever admit that. No one would ever admit that. People  
9           have learned from the past.

10           So help me out and let me know, does MALDEF have  
11           any concerns about the resistance to cooperate or try to reach  
12           middle ground, because I don't think that any of us are, you  
13           know, completely opposed to making changes --

14           MR. FIGUEROA: Right.

15           VICE CHAIRMAN VEASEY: -- to the way that we vote  
16           in the state. I want -- just like all of the Republicans or  
17           people that are here that are concerned about the integrity of  
18           the election process, I want there to be a fair election process  
19           also.

20           MR. FIGUEROA: Absolutely. And we've had some  
21           great conversations with political operatives that work on the  
22           Republican side and on the Democrat side, and they all talk  
23           about different types of fraud that occurs, whether it's mail-in  
24           fraud or intimidation. And there are ways that we can address  
25           that as well. But this bill is only focused on that one single



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1 type of voter impersonation fraud which we've seen the least  
2 amount of evidence for. Now -- and when we have seen it, it's  
3 been a lot of times with people using a photo ID as opposed to  
4 using a voter registration certificate, which this bill wouldn't  
5 address this either.

6 So we believe is, like I said, that finding that  
7 right balance. And there are ways you can protect against  
8 fraud. Even if you just want to do a voter impersonation fraud  
9 without a potential disenfranchisement impact. And there are  
10 models out there. We got real close last session. We were  
11 working with Chairman Smith and other members from both parties  
12 and we were looking at the Florida model. We were looking at  
13 the Michigan model. We got real close to something that I think  
14 both sides could agree on. And it was shut down. And,  
15 unfortunately, we've come back to this bill. And instead of  
16 going back towards that comprising models of Florida and  
17 Michigan, this bill is actually taking us the opposite direction  
18 and making it more stringent than Indiana, Georgia or any other  
19 state. And I'm not really sure that there's a need for that  
20 here in Texas.

21 The other thing I point out that with the  
22 same-day voter registration, there are ways that we can do that  
23 provisionally and we can double check and triple check and  
24 quadruple check that the information is accurate and that that  
25 person isn't a fraudulent voter. There are safeguard provisions



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1           that's worked in North Carolina, obviously a somewhat  
2           conservative state. So there are ways to do it but  
3           unfortunately those conversations aren't happening right now,  
4           and I hope they will.

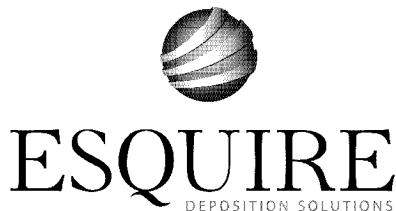
5                   VICE CHAIRMAN VEASEY: They do same-day voter  
6           registration in Minnesota, and for the first time in quite some  
7           time I believe they have a Republican majority in their Senate,  
8           and they do same-day voter registration there.

9                   MR. FIGUEROA: It's workable.

10                  VICE CHAIRMAN VEASEY: And I think that that's --  
11               you know, you don't want this to turn into a partisan deal  
12               because I remember that the first time we were debating this  
13               bill someone came up to me on the house floor. They said, Mark,  
14               you don't have to worry about this. You're not going to lose  
15               your district. Enough voters in your district won't be affected  
16               to where you'll lose. So, of course, what I heard was -- you  
17               know, the conclusion that I reached was, yeah, you're saying it  
18               won't hurt me, but you're also implying that by saying that it  
19               maybe will hurt someone else in a more marginal district. That  
20               was the implication and the comments that were made to me on the  
21               House floor. We don't want to get into that. We don't want  
22               anyone to lose the right to vote --

23                  MR. FIGUEROA: From our perspective --

24                  VICE CHAIRMAN VEASEY: -- just so someone else can  
25               win an election. And we don't want anyone to cast a fraudulent



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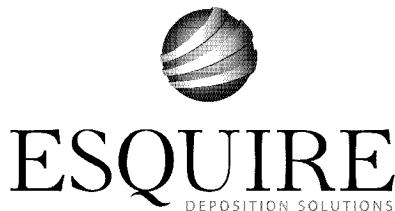
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1 ballot. And I haven't seen any evidence of that going on at  
2 all. Just like I said, the only thing I've heard and the only  
3 e-mails that I've seen and the e-mail that I talked about  
4 earlier is just sort of rumors, innuendo, and nothing concrete.  
5 And it's the same rumors and innuendo that have been around  
6 since reconstruction. And that's crazy.

7 MR. FIGUEROA: Uh-huh. And we had an expert  
8 testimony in the Senate side, Andreas Tijerina, that talked  
9 about all the reasons why Texas is a Section 5 state were always  
10 presented as a way to address fraud. They always had a reason  
11 for it that had nothing to do with potentially disenfranchising  
12 voters, although we knew the effect was that it was going to  
13 have a disenfranchising effect. So what I was going to say,  
14 from our perspective, every one of those provisional ballots  
15 that isn't counted because someone doesn't have the proper  
16 identification to us a potentially disenfranchised voter and is  
17 most likely a disenfranchised voter.

18 When we looked at it in Arizona, those  
19 conditional provisional ballots were specifically people who  
20 didn't have the identification requirements were people who were  
21 citizens and were legitimate voters who just at that moment did  
22 not have the identification they needed or the poll worker told  
23 them they needed to match something else that it didn't match,  
24 the names didn't match exactly right. Those -- and those are  
25 potentially disenfranchised voters.



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1                   So if you're going to talk about every single  
2 vote counts, every single vote matters, it's so important for  
3 that one vote, then we need to look at the fact that we have  
4 hundreds of provisional ballots that aren't being counted under  
5 our current law and imagine how many we're going to have when we  
6 started adding restrictions.

7                   VICE CHAIRMAN VEASEY: And can you just real  
8 quickly, the Indiana law, make some comparisons -- if you can go  
9 through it quickly, between the Indiana law and the law that  
10 we're trying to -- because one of the things I've heard several  
11 times is that this version that is trying to pass now, that is  
12 already passed in the Senate that it's the exact same bill as  
13 the Indiana law, but others have said no, it's more stringent.  
14 So can you clear it up for us.

15                  MR. FIGUEROA: From our perspective, we believe  
16 that this bill SB14 is more stringent. Indiana allows for a  
17 government issued photo ID. It doesn't specifically lay out  
18 just four documents that are portrayed in the SB14. It must  
19 display the voter's photo, display the voter's name, which must  
20 conform to the voter registration, and it allows for an  
21 expiration date that is either current or that expired after the  
22 last annual election.

23                  If a voter cannot provide an ID, a voter may vote  
24 provisionally within a week from the election and return with  
25 either a valid ID or an affidavit with an acceptable reason for



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1 an ID. So in Texas we have fewer documents. We have a shorter  
2 cure period. And we don't have a clear affidavit processes that  
3 will allow people to fix their ballot as soon as they arrive, if  
4 they have a reasonable reason for not having an ID. And so for  
5 those reasons and as well as the fact that a voter -- an elderly  
6 voter who doesn't have a birth certificate can also cure their  
7 ballot as well in Indiana, and we don't have those same type of  
8 mechanisms here. So we do think that our SB14 is more stringent  
9 than Indiana.

10 REPRESENTATIVE HARLESS: Mr. Chairman.

11 CHAIRMAN BONNEN: I think Representative Aliseda  
12 had his light on for a while.

13 REPRESENTATIVE ALISEDA: You threw out a number  
14 there that I want to follow up on. You mentioned 690,000  
15 individuals that are registered to vote without any kind of  
16 identification.

17 MR. FIGUEROA: They -- so when you register to  
18 vote, you mark -- if you have a Texas ID, you put your Texas  
19 driver's license number or you put your Social Security number  
20 if you don't have a driver's license, and then you mark if you  
21 don't have either. And that's what was required under the Help  
22 America Vote Act. So we have 690,000 people on the voter rolls  
23 that marked that last checkmark that said they did not have  
24 driver's license or --

REPRESENTATIVE ALISEDÀ: Those individuals could



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1           be, in fact, individuals that could commit voter fraud.

2           MR. FIGUEROA: And those voters -- so those  
3           voters when they registered to vote are checked against the  
4           current databases that are required under the Help America Vote  
5           Act to ensure that they are who they say they are. So what this  
6           bill would do would prevent that voter registration card from  
7           being used as an identification. But what it doesn't do is  
8           insure that that voter is actually -- this bill doesn't have any  
9           impact on that voter getting a voter registration certificate.  
10          What this bill does is it says that they're still going to get a  
11          voter registration certificate, but now they're going to have to  
12          bring something else with them.

13          REPRESENTATIVE ALISEDA: Which is like a lot of  
14          laws, an alarm system to -- not necessarily to deter the crime.  
15          It's just to cause a little more trouble for someone to go on to  
16          the next house.

17          MR. FIGUEROA: Right. And I get that.

18          REPRESENTATIVE ALISEDA: I don't find --  
19          actually, I find that number scary, that we have 690,000  
20          individuals out there that have gotten a voter registration  
21          without any form of identification, without any Social Security  
22          number, and they're out there potentially able to vote and we  
23          have absolutely no way to keep them from voting.

24          MR. FIGUEROA: So this is required under the Help  
25          America Vote Act. So I'm not sure you want to get into the



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1 registration process. And there's certainly some reforms we  
2 could make on the registration process. But this is what I  
3 would say is I agree with you that there's an alarm system that  
4 could be in place, which is why we should do the Michigan and  
5 Florida model which says if you don't have those  
6 identifications, you can submit an affidavit so that we can  
7 verify that these voter is who they say they are. We can verify  
8 this person is actually an eligible voter, and then that ballot  
9 is counted in Florida and in Michigan.

10 With this current bill, we don't have an alarm  
11 system. We have a gate, and they can't get past the gate. And  
12 even if they are legitimate voters and they don't have  
13 identification, there's no way of getting around the gate. So I  
14 say let's set an alarm system. Let's ask them for some more  
15 information. Let's make sure they are who they say they are and  
16 let's count their ballot.

17 REPRESENTATIVE ALISEDA: The other observation  
18 I'd like to make is you claim that there were other sessions  
19 where this -- some kind of voter ID law was considered and they  
20 were less onerous than the one we have today. And my  
21 observation would be, why didn't you take it when it was offered  
22 to you earlier?

23 MR. FIGUEROA: Well, we were pretty much in  
24 support of some of those compromises and we thought we were  
25 there. Now, the proposals that came up last session weren't the



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1 ones that got hearings. They were ones that were talked about.  
2 And we actually were in support of Todd Smith's compromise. In  
3 fact, we had a hearing with Leo Burman where we talked about the  
4 Michigan and Florida process, and it looked like we had an  
5 agreement. We came back next session and they went back to the  
6 previous version. So we've always been about trying to look at  
7 Michigan, Florida, New Mexico as compromises to include a  
8 signature affidavit process or include some election-day voter  
9 registration with the voter ID requirement so that we can  
10 preserve access and security. But, you know, this is a  
11 political process and sometimes the compromises don't work out.

12 REPRESENTATIVE ALISEDA: Are you aware that Texas  
13 has twelve counties with more registered voters than voting age  
14 citizens?

15 MR. FIGUEROA: I did not know that. That's good  
16 to know. So more registered counties than --

REPRESENTATIVE ALISEDA: Has twelve counties with  
more registered voters than voting age citizens.

19 MR. FIGUEROA: So we need to fix up our voter  
20 registration database. I agree with that. But this bill  
21 doesn't fix our voter registration process. This bill only  
22 affects it on the poll side. It doesn't fix the problem.

23 CHAIRMAN BONNEN: Thank you. Representative  
24 Harless.

25 REPRESENTATIVE HARLESS: Mr. Chairman, I just



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wanted to kind of make some clarifications because not everyone  
was here when we laid out the substitute and some of the  
differences. We allow for six forms of identification, not just  
four. And in the committee substitute and the bill that passed  
in the Senate to engrossment it allowed for expired documents up  
to 60 days. So if your driver's license or your ID card or your  
passport or your CHL or your citizenship paper that has ID on it  
is expired, you have up to 60 days to vote with that.

9 MR. FIGUEROA: That's a little less than the  
10 Indiana, which is the previous general election, and a little  
11 less than Georgia.

12 REPRESENTATIVE HARLESS: It actually is about the  
13 same as Georgia. There's one ID that Georgia allows that we  
14 don't, and Georgia has no exemptions to the photo ID  
15 requirements. Texas has an exemption for the indigent, for  
16 religious objections, for 70 or older on January 1st of 2012,  
17 and the disabled under Social Security or 50 percent veterans.

18 Another thing that I wanted to clear up is the  
19 numbers that you were quoting about the 690,000, we're going to  
20 have an expert from the Secretary of State to discuss those more  
21 because some of those may actually have Social Security numbers  
22 or IDs associated with them. It's just that they were put in  
23 the database prior to the Help America Vote Act in 2006.

24 MR. FIGUEROA: And some of them may have checked  
25 it not knowing. So yeah, sure. Some of those people are going



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1 to have identification.

2 REPRESENTATIVE HARLESS: Thank you for your  
3 testimony today.

4 MR. FIGUEROA: Thank you. I hope we can have  
5 some more conversations.

6 CHAIRMAN BONNEN: Thank you very much.

7 MR. FIGUEROA: Thank you.

8 CHAIRMAN BONNEN: Chair calls Thomas Wheeler, an  
9 attorney representing himself as a private individual here to  
10 testify neutrally on the committee substitute to Senate Bill 14.  
11 And I believe Mr. Wheeler is one of the experts. You will have  
12 ten minutes.

13 MR. WHEELER: Yes, Mr. Chairman. Thank you.

14 Mr. Chairman, members of the committee, my name is Tom Wheeler.  
15 For the last five years I have been chairman of the bipartisan  
16 Indiana election commission, which means that I was chairman of  
17 the commission during the implementation of Indiana's photo ID  
18 law and the application of that law during the last 2006, '08  
19 and '10 elections.

20 What I'd like to do -- and I really am not  
21 familiar with the Texas photo ID law because I'm not speaking in  
22 favor or against it. What I want to do is talk about our  
23 experience. And to begin with, I'd like to tell you why Indiana  
24 adopted our photo ID law and the nature that it is. We had  
25 three basic reasons. One, our voter registration system was



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1 simply broken.

2 I believe Representative Aliseda indicated that  
3 in Texas 12 of your 254 counties have more individuals  
4 registered to vote than actually have adult voting age  
5 population in those counties. In Indiana it was actually quite  
6 a bit worse. We had 19 of our 92 counties had registered voters  
7 in excess of the adult members of the population. So our voter  
8 registration system was clearly broken.

9 We had 4.3 million registered voters yet a survey  
10 of Indiana registered voters indicated that only three million  
11 of our voters had registered to vote. So our system was clearly  
12 broken. In fact, we had 36,000 documented deceased individuals  
13 on our books that could not be purged based on, frankly,  
14 partisan bickering between the two parties. So number one,  
15 system was broken.

16 Number two, what caused this to take place in  
17 2004? We had a massive series of voter fraud in East Chicago  
18 Indiana. In fact, what happened, and it came out in a case in  
19 front of the Indiana Supreme Court, two democratic mayoral  
20 contestants in a primary engaged in so much voter fraud,  
21 primarily absentee voter fraud, but so much voter fraud using  
22 all of these unregistered or these over registered voters that  
23 the Indiana Supreme Court referred to this -- they said they  
24 were a deliberate series of actions making it impossible to  
25 determine the candidate who received the highest number of legal



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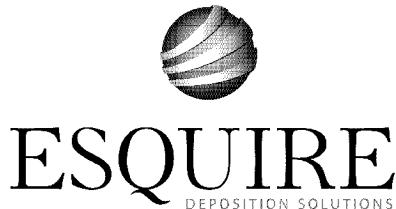
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1 votes cast in the election.

2 So we had a series of situations where the system  
3 was broken. And it was so broken that we couldn't even tell who  
4 had won an election. In addition to that loss -- and what that  
5 created for Indiana, it created a substantial loss of confidence  
6 in the voters. And that was represented by the fact that we had  
7 seen substantial declines of voter turnout and voter confidence  
8 in our system. They just didn't have any faith in the system  
9 because of the voter registration problems and the rampant fraud  
10 that had taken place in East Chicago.

11 When you took those two factors and combined with  
12 the need to modernize our election system based upon the  
13 requirements of HAVA and the NVRA, the State of Indiana took  
14 steps in 2004 to pass their photo ID law.

15 I won't go into detail. There's been a lot of  
16 discussion about Indiana's photo ID law. And you're correct.  
17 It appears to be slightly more liberal than the current version  
18 that has been introduced. Basically, our provision says if it's  
19 a government issued ID with a photo and an expiration date and  
20 displays the voter's name, then it's okay. And we allow some  
21 flexibility in the voter's name. For example, it doesn't have  
22 to be the exact name that's on the ID. If your name is Robert  
23 John Crew but you go by the name John Crew or J. Crew, it is  
24 acceptable under our law. We also have a couple of exemptions.  
25 We allow, for example, if a voter is unable to obtain an ID



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1 because they don't want their picture taken or for some other  
2 reason they are unable to obtain that ID, they can go and appear  
3 in person in front of a county election board, make a verified  
4 affidavit indicating why they couldn't have the ID, and they  
5 would be permitted to vote or to have their provisional ballot  
6 counted.

7                   In addition, Indiana provides free IDs. Indiana  
8 law and the Secretary of State's office has worked with the  
9 office of BMV to keep our BMV branches open, for example, 6:00  
10 a.m. to 7:00 p.m. on election day, so if someone's turned away  
11 they could go back, frankly, on that day and obtain a photo ID.  
12 If not, under our provisional balloting requirement, they have  
13 ten days to obtain that provisional ballot.

14                   Now, I want to turn in this brief amount of time  
15 I've got to our outreach efforts. We took, as has been  
16 documented by the Secretary of State from Georgia, we also took  
17 substantial efforts to engage in outreach efforts to both the  
18 minority communities and the white communities and the Hispanic  
19 communities. We ran media buys. We spent \$1.6 million though  
20 in 2006 alone.

21                   Now as indicated in the question of the Secretary  
22 of State from Georgia, we used primarily HAVA money to do that.  
23 We used about \$2.1 million in HAVA money. We followed that up  
24 with additional media buys of \$550,000 in 2008. But that has  
25 tailed off. Why has it tailed off? Frankly, people understand



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1 our photo ID requirement. It's analogous to a situation where  
2 when you were going to the airport, the first time you went to  
3 the airport without a photo ID, you showed up and no photo ID,  
4 you were going to go home.

5 Now people understand that they need to bring  
6 their photo ID and people in Indiana understand that. We're not  
7 sending people home with provisional ballots. We don't need to  
8 spend the money in outreach efforts at that point because people  
9 understand that. As ways indicated a little while ago, in  
10 Indiana if you want to get into a government building, you have  
11 to show photo ID. If you want to cash a check. People in  
12 Indiana now understand that. That is part of the extensive  
13 voter outreach efforts that we made.

14 Now, the question is what happened in Indiana  
15 after we did photo ID? And our experience is a little bit  
16 different from Georgia because I can control for what has been  
17 referred to in the questioning as the Obama factor. In Indiana  
18 we actually had off-year elections. Because we implemented ours  
19 in 2004, we had ours in 2006, 2010. We've had two off-year  
20 elections that did not involve Barack Obama, did not involve  
21 this historic situation that happened in 2008. Indiana in 2008  
22 had a similar experience that I'm sure Texas and Georgia. We  
23 had a tremendous voter turnout. Let's leave that aside for  
24 right now and let's talk about the off-year elections because we  
25 can compare 2002, 2006 and 2008.



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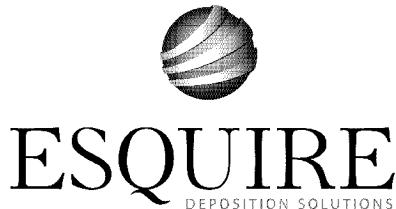
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1                   In 2006, our first year of photo ID, an off-year  
2 election, we experienced, in contrast to the decline in voter  
3 turnout we experienced about a 4 to 5 percent increase in voter  
4 turnout in 2006, an off-year election. This had reversed the  
5 steady decline that we had seen over the years. And in 2010 we  
6 saw that trend accelerate. We actually experienced another 5  
7 percent increase. We had gone from 46 percent in 2002 to 50  
8 percent voter turnout in the off-year election in 2006, and we  
9 increased that in the 2010 election to 55 percent. So in  
10 Indiana our photo ID law has actually -- in my personal belief,  
11 my experience it has increased voter turnout. Why? It's  
12 returned some value, some integrity to the system, one. But  
13 number two, what it has allowed us in Indiana to do is to begin  
14 more creative outreach efforts and more access to the polls by  
15 voters.

16                   I mean, the partisanship of this is that the  
17 democrats will come and say we want more access, we need more  
18 people to be able to go, we need more places to vote, we need  
19 more days to vote, we need extended hours. Well, in Indiana,  
20 what photo ID has allowed us to do is for Republicans to come in  
21 and say we have a comfort level with that because I know whether  
22 you vote on Monday, Tuesday, Wednesday, whether we have  
23 satellite voting, whether we have vote centers -- Mitch Daniels,  
24 our governor, the first bill he signed this year was a bill in a  
25 bipartisan bill to install vote centers in all 92 counties which



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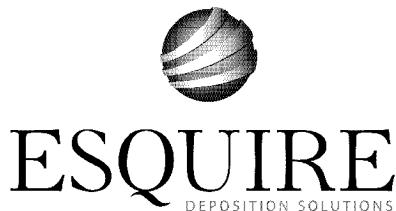
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1           is going to be a vast benefit to the manner in which we run  
2           elections in Indiana.

3                         I know you guys are on the elections committee.  
4           Having served as the chairman of the election period for the  
5           last five years, the biggest problem we have is staffing  
6           precincts and the expense of staffing those precincts. Voting  
7           centers allow us to do that. That's Bill No. 1 that Mitch  
8           Daniels signed this year, a bipartisan bill.

9                         Why were we able to do that? Because Republicans  
10          had a level of comfort with increasing access because of photo  
11          ID. We knew -- we knew that despite our bloated voter  
12          registration roles that the MALDEF representative just  
13          mentioned, that apparently you have a similar problem here in  
14          Texas, despite those voter registration roles, we knew that if  
15          Mickey Mouse was registered to vote in Indiana, Mickey Mouse was  
16          going to have to show up with a photo ID with his picture and  
17          his name on it. And that became very relevant and important in  
18          the 2008 election.

19                         I received a call from the Lake County Board.  
20          That's where East Chicago is located. Heavily democratic,  
21          heavily African-American. ACORN had taken to that -- and this  
22          was a democrat calling me. ACORN had come in and engaged in a  
23          systemic dump of voter registrations and obviously fraudulent  
24          voter registrations. They were Mickey Mouse, George W. Bush,  
25          Jimmy John's, which is a sub franchise. They were obviously



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1           fraudulent. The good news in Indiana is, I don't care that much  
2           about it. You know why? Because if you registered as Jimmy  
3           John's or George W. Bush, you better show up with a photo ID at  
4           the poll that says you're George W. Bush. It increased the  
5           voters' integrity in the system, despite what we had seen as a  
6           fairly systemic attack on our voter registration rolls. That's  
7           what photo ID did in Indiana. It brought integrity back to the  
8           system. And because of that, I would suggest it increased voter  
9           turnout.

10           To answer a question I think Representative  
11           Veasey, if I'm pronouncing it correctly, there was a study done  
12           -- I see my time is up. May I briefly conclude? One minute?

13           CHAIRMAN BONNEN: I'd prefer you not to.

14           MR. WHEELER: Fair enough.

15           CHAIRMAN BONNEN: Are there any questions,  
16           members? Represent Gutierrez.

17           And just so we understand, we're trying to make  
18           sure we're very fair about this and every expert gets exactly  
19           ten minutes or just barely beyond that.

20           MR. WHEELER: I understand. Thank you.

21           CHAIRMAN BONNEN: Represent Gutierrez has  
22           questions.

23           REPRESENTATIVE GUTIERREZ: Thank, Mr. Chairman.

24           You suggested there was an increase in voter  
25           turnout in the 2006 and the 2010 elections. But that's just



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1 generally speaking. Did you break it down into Latino and  
2 African-American communities?

3 MR. WHEELER: I know in 2006, yes. That was  
4 precisely the question I was going to get to. There was a study  
5 done by a professor at the University of Missouri, Professor  
6 Milio. And I've got this information which I'll share with the  
7 committee. But in his report called The Effects of Photographic  
8 Identification on Voter Turnout in Indiana County Level  
9 Analysis, what he did is he looked at the elections and he  
10 looked at between -- he compared 2002 and 2006, the two off-year  
11 elections. And let me read you his conclusion. I'd be happy to  
12 provide a copy of the report, and I did provide it to my  
13 testimony to the Senate I believe in 2009. Quote: "Voter  
14 turnout in Indiana increased about 2 percentage points from 2002  
15 to 2006." He was using only in-person voter numbers. "However,  
16 in counties with greater percentages of minority or poor voters,  
17 turnout increased by even more." His concluding statement was,  
18 "The only consistent and frequently significant effect of voter  
19 ID that I find is a positive effect on turnout in counties with  
20 a greater percentage of democratic leaning voters." The  
21 conclusion of the study was that photo ID -- turnout was better  
22 in those counties, the minority leaning counties. And our --  
23 Lake County, for example, Marion County, St. Joseph County. And  
24 I would respectfully suggest --

25 REPRESENTATIVE GUTIERREZ: It's a minority



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1 county, though. And I'm not -- I don't want to be argumentative  
2 with you, but you're telling me about a minority county. The  
3 study is great and I appreciate it. Professor  
4 whatever-his-name-is is Latino, if I'm not mistaken. My concern  
5 is these numbers are very -- you can get them. Your Secretary  
6 of State can get them.

7 MR. WHEELER: Sure.

8 REPRESENTATIVE GUTIERREZ: And so you're saying  
9 the State has got the actual numbers of Latino and  
10 African-Americans voting?

11 MR. WHEELER: And that's what he relied on in  
12 this study. And my point is, the study breaks those out on a  
13 county-by-county basis. And what it suggests and I think what  
14 it supports the conclusion that if photo ID is designed to  
15 suppress democratic voters, it's not working. And we know that  
16 in 2008 because for the first time in 45 years we voted for a  
17 democrat for president.

18 And in fact, in that 2006 election, the first  
19 time photo ID had been implemented we lost -- the republicans  
20 lost three house seats to democrats. So photo ID is designed to  
21 suppress democratic voters, minority, Hispanic, typical  
22 democratic voters, it doesn't work very well, at least not in  
23 Indiana.

24 REPRESENTATIVE GUTIERREZ: Perhaps I'm not  
25 explaining myself or, as my wife says, maybe I'm not listening.



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1 I choose not to sometimes.

2 MR. WHEELER: That's on the record.

3 REPRESENTATIVE GUTIERREZ: That's on the record.

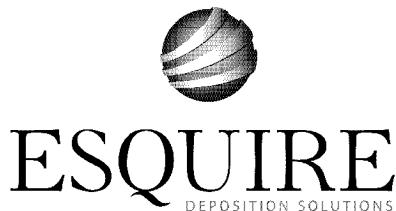
4 Yeah, I'll be in trouble.

5 I guess you said that in minority communities --  
6 minority counties is what you said -- that the numbers  
7 increased. That doesn't tell me that Latino voters or  
8 African-American voters have increased. All that tells me is  
9 that in counties where you have more Latinos and African  
10 Americans that voting increased. That doesn't distinguish  
11 whether you had more Anglos voting, Latinos, or  
12 African-Americans.

13 MR. WHEELER: That's an absolutely fair  
14 statement. The study did not break it out in that fashion, but  
15 those numbers are freely available, and I'd be happy to provide  
16 them to you.

17 REPRESENTATIVE GUTIERREZ: And that's what I'm  
18 getting at, because your Secretary of State can pinpoint here's  
19 the African-American vote in '04 and '06 and 2010, and so here  
20 is the Latino vote. And that's really what I'd like to see,  
21 just raw, real numbers rather than some study that tells me, oh,  
22 yeah, the numbers went up in a community. Well, in that  
23 community I've got Latinos, Asians, African-Americans. I've got  
24 Anglos. I mean --

25 MR. WHEELER: True. But on a county-wide basis



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1 is what it shows is with a county-wide basis with large minority  
2 communities, the voters -- the amount of voting, the voter  
3 turnout is high. I realize it's not broken down. And I'll be  
4 happy to provide those numbers.

5 REPRESENTATIVE GUTIERREZ: Well, thank you. I  
6 appreciate that. That was really my only question for you. I  
7 really appreciate you coming down for us.

10 REPRESENTATIVE GUTIERREZ: I hope you like the  
11 Spurs too.

12 MR. WHEELER: I'm a Pacer fan and we're  
13 suffering.

14 CHAIRMAN BONNEN: So you will be able to get us a  
15 copy of that report which will have the actual numbers as to  
16 what the turnout --

20 CHAIRMAN BONNEN: That would be wonderful.

REPRESENTATIVE GUTIERREZ: To be clear, Mr. Chairman, that report doesn't have the numbers. It just simply states that voting went up in these minority communities.

24 MR. WHEELER: No, I'm not going to -- I'll give  
25 you Professor Milio's report, which is useful. But what I'll



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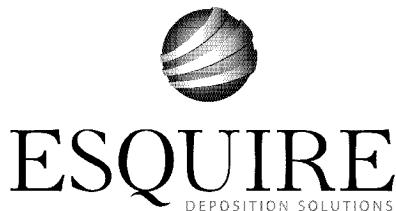
1 give you is the raw -- you were asking for the raw numbers. You  
2 want to know in Indiana statewide how many African-Americans  
3 voted in '2, '4, '6, '8 and '10, how many self-identified  
4 Hispanics vote, '2, '4. If it's there, I'll get it for you.

5 REPRESENTATIVE GUTIERREZ: Thank you.

6 CHAIRMAN BONNEN: Representative Harless has  
7 questions.

8 REPRESENTATIVE HARLESS: I just wanted to ask one  
9 question. You know we've talked a little bit about the  
10 provisional ballots here. And in Texas we have a six-days to  
11 return for with provisional. Georgia has two. Indiana has ten.  
12 Can you talk about that some.

13 MR. WHEELER: Absolutely. And I know we were  
14 discussing the dangers of empirical studies, but there was a  
15 study in the Journal of Law & Politics that looked at  
16 provisional balloting in Indiana. And we know -- they broke out  
17 only the 2008 election in this particular study. We do know  
18 that there were 2.8 million voters in Indiana. And our numbers  
19 look a lot like Georgia's numbers, which is to say that for  
20 voter ID provisional balloting, out of that 2.8 million only  
21 1,039 provisional ballots were given for photo ID issues, which  
22 represents .037 percent of the total individuals voting. Of  
23 those -- and our numbers were similar and actually a little  
24 lower than Georgia -- only 137 people came back and provided ID.  
25 In our situation, as you noted, we have a very, very liberal --



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1 if you don't have the photo ID, you can simply attest that  
2 that's you. So we have a very liberal provisional balloting  
3 standard.

4 I would suggest to you, in this particular study  
5 they argue that one of two things is happening with those other  
6 902 people. One, those people are engaged in voter fraud and  
7 these are voter fraud people that we've caught because they  
8 can't come back and show photo ID. I would suggest -- with all  
9 due respect, I would suggest that in reality what happens with  
10 the provisional balloting is what the Secretary of the State of  
11 Georgia said, which is that provisional balloting, once -- for  
12 example, in 2008, Barack Obama -- Indiana was the swing state --  
13 won Indiana by 30,000 votes. All right? I think people choose  
14 simply not to come back at that point in time because they  
15 realized that it didn't make any difference as to whether or not  
16 they came back. So I would suggest that they simply chose not  
17 to do that. We had 137 people that did, and all those people's  
18 provisional ballots were counted.

19 REPRESENTATIVE HARLESS: So you don't think that  
20 the additional days of cure increased the number of people that  
21 come back, because Georgia numbers he said --

22 MR. WHEELER: Their numbers were a little higher  
23 than ours.

24 REPRESENTATIVE HARLESS: They were 1,200 and 308  
25 returned, which is about 26 percent. 271 in a provisional



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1 election. 82 returned, which was about 30 percent. Yours is a  
2 lot less.

3 MR. WHEELER: 13.7 percent.

4 REPRESENTATIVE HARLESS: So the difference  
5 between the two-day and ten-day cure really doesn't matter.

6 MR. WHEELER: Honestly, this is my own personal  
7 opinion. I think the longer you go people just --

8 REPRESENTATIVE HARLESS: The less they're  
9 likely --

10 MR. WHEELER: Well, there's no challenge. It's  
11 over, the vote. Why should I take my time to go do it?

12 REPRESENTATIVE HARLESS: Thank you so much for  
13 traveling here.

14 MR. WHEELER: Thank you very much.

15 CHAIRMAN BONNEN: Representative Pena has a  
16 question.

17 REPRESENTATIVE PENA: I want to make sure if I  
18 could sum up your testimony. You had some voter fraud occurring  
19 in your state of -- I consider -- you consider it to be  
20 widespread; am I correct?

21 MR. WHEELER: Certainly in East Chicago. East  
22 Chicago, the city itself, was declared a corrupt -- under the  
23 RICO statute was declared to be a corrupt business enterprise.  
24 So it was substantial in the City of East Chicago.

25 REPRESENTATIVE PENA: Okay. And I take it that



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1 much of the fraud you're talking about wasn't necessarily voter  
2 impersonation.

3 MR. WHEELER: No.

4 REPRESENTATIVE PENA: But your state found it  
5 important, and do you agree that it's important that the  
6 instilling of voter confidence in elections is an important  
7 state function?

8 MR. WHEELER: Not only we did. The Supreme Court  
9 did in our case. I was a defendant in our case, the Crawford  
10 case. The Supreme Court said that is part of a valid basis for  
11 photo ID. It's one of the three factors that they looked at.  
12 Absolutely. Supreme Court said that.

13 REPRESENTATIVE PENA: Okay. So if we have  
14 evidence or at least testimony from other individuals that there  
15 is voter fraud in fact occurring, not necessarily voter  
16 impersonation, is that something that Texas would have a  
17 legitimate right to address because --

18 MR. WHEELER: Absolutely.

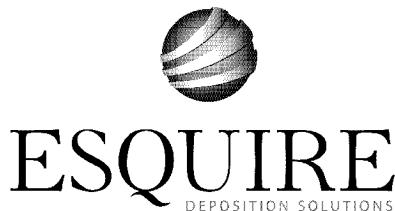
19 REPRESENTATIVE PENA: Because the citizens are  
20 calling for it.

21 MR. WHEELER: And the Supreme Court has said you  
22 do. Absolutely.

23 REPRESENTATIVE PENA: Very good. Thank you.

24 MR. WHEELER: Thank you.

25 CHAIRMAN BONNEN: Representative Veasey has



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1 questions.

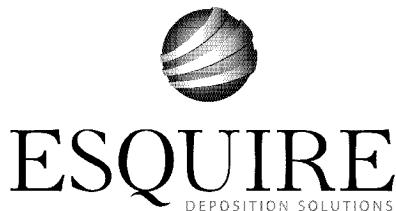
2 VICE CHAIRMAN VEASEY: And Representative Pena  
3 touched on what I wanted to ask you because, you know, at the  
4 beginning of your testimony, I was in the back listening, and  
5 you had talked about the voter fraud that had taken place. I  
6 don't think you used the word voter impersonation. But can you  
7 elaborate for me exactly what type of voter fraud was taking  
8 place and what type of convictions did you get out of it. And  
9 where is East Chicago?

10 MR. WHEELER: It's east of Chicago. It's Lake  
11 County. It's immediately adjacent to Chicago, Lake County.

12 VICE CHAIRMAN VEASEY: So on Lake Gary?

13 MR. WHEELER: Gary is in Lake County as is East  
14 Chicago. So they're adjacent to each other. There was a movie  
15 called The King of Steel Town. If you've ever seen it, I  
16 recommend it to you. It shows systemic voter fraud. The big  
17 thing they did was sidewalks for votes. They bought votes by  
18 paving people's sidewalks, using public employees to pave  
19 people's sidewalks. The entire administration was indicted and  
20 almost all of them have been convicted of fraud and are serving  
21 time in federal penitentiaries for this. So when we talk about  
22 fraud, there's purchasing of votes, absentee ballot fraud, the  
23 whole gamut of fraud.

24 The key factor for us in Indiana was that  
25 widespread corruption -- not only was there widespread



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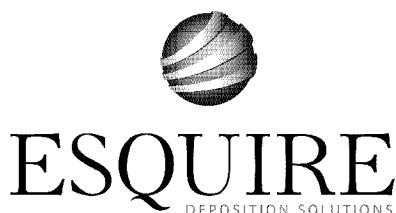
1 corruption, but the mayor, or Mayor Pastrick bragging in a movie  
2 about how corrupt and how he had used political influence to  
3 purchase votes frankly disgusted people in the State of Indiana  
4 with the entire system. They lost confidence. And photo ID, I  
5 would submit to this committee, has brought that confidence back  
6 to the State of Indiana. And, as I respond to Representative  
7 Pena's question, the Supreme Court found that that was a  
8 legitimate reason for the government to enact the legislation  
9 against an equal protection challenge.

10 VICE CHAIRMAN VEASEY: But in relation to the law  
11 that we're trying to pass, if you -- you know, if you're buying  
12 votes for patronage, the people that are voting, that have those  
13 jobs, that patronage, they're not necessarily committing voter  
14 impersonation. They may be voting because they think that this  
15 is the person that is going to protect their jobs, which would  
16 be illegal, but it is different than what we're discussing  
17 today.

18 MR. WHEELER: You're absolutely right.

19 VICE CHAIRMAN VEASEY: It's completely different.

20 MR. WHEELER: Right. And this wouldn't address  
21 that at all. But what the bill -- I would suggest to you that  
22 our photo ID bill did is, we had a crisis of confidence in our  
23 election system. And photo ID, I think the turnout shows, the  
24 increase in turnout, photo ID in Indiana has resolved that  
25 crisis of confidence, not only resolved it, but allowed us and



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1 people on the Republican side to reach out and embrace ideas  
2 that years ago they would not have embraced that allow more  
3 voter turnout. And I think with what governor Daniels signed --  
4 we're a partisan state. The democrats in our rep -- are in  
5 Illinois right now. Within that -- they broke -- we have a  
6 break. I know you had it with redistricting. They've left. We  
7 are not currently a bipartisan state. This is an issue we were  
8 bipartisan on. And that's what's the cool thing. And photo ID  
9 allows you to do that, allows you to reach across and for  
10 Republicans to have a comfort level to allow for different types  
11 of voting and methodologies that you wouldn't have without photo  
12 ID, at least that's what we've experienced in Indiana.

13 CHAIRMAN BONNEN: Let me ask you this. And I  
14 think we're wrapping up. I hope we are. So you're -- I want to  
15 make sure I understand your belief here -- is that by passing  
16 voter ID you increased the voter turnout which reduced the  
17 significant impact that voter manipulation through patronage and  
18 other things could have upon an election?

19 MR. WHEELER: That would be true.

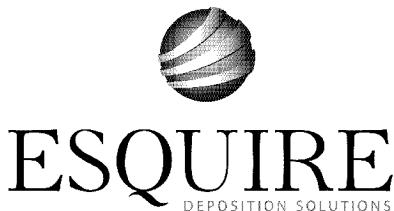
20 CHAIRMAN BONNEN: Okay. Thank you very much.  
21 Appreciate your being here.

22 (Transcript resumed in Volume II of II)

23

24

25



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82ND LEGISLATURE  
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AND VOTER FRAUD HEARING  
MARCH 1, 2011

VOLUME II OF II

Transcribed by Rhonda Howard, CSR  
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1 (Continued from Volume 1)

2 CHAIRMAN BONNEN: Members, we're  
3 going to move to some public testimony, which is  
4 limited to three minutes per witness. We have, I  
5 believe, if I'm counting correctly, three expert  
6 witnesses left. We're going to have them by Skype,  
7 which is something I'm unfamiliar with, but we have  
8 a computer expert who will help us do that. And  
9 when -- when he arrives, which he is not late at  
10 all, but when he arrives we'll go back to those  
11 expert witnesses who, again, have ten minutes.

12 So let me call Virginia Townsend, court --  
13 representing myself [sic] as a private individual  
14 court watcher is here to testify for Committee  
15 Substitute Senate Bill 14.

16 Mrs. Townsend, if you would state who  
17 you're with and -- for the record.

18 VIRGINIA TOWNSEND: Good afternoon.  
19 Virginia Townsend. I'm with the OWLS, which is  
20 Objective Watchers of the Legal System. I'm from  
21 Hidalgo County. We were here two years ago to  
22 testify. There were hard-working people from  
23 Progresso that drove all night to get here. So they  
24 thought they would get a chance to testify, because  
25 they live with this every day. They live on a --

right next to Progresso Bridge, so they have people come over from Mexico all the time. Now, the people who live there all the time know who lives in the town and who does not. And so they watch the voting process. And a lot of the people who did not live in this country, who did not live in Progresso -- they were allowed to vote. And one lady was here two years ago, and she wanted to testify to this. And she knew she was putting herself in danger, but she was going to do it, and she was not allowed to testify. But it does happen. Voter impersonation, I am sure, is not real common, but it does happen. And especially we on the border, where it's so easy -- I mean, we're just coming across and back and forth, and it's easy if somebody wants to manipulate somebody to make them vote. So -- but it's not the only problem we have. That's not all. There's others ways that our -- our election systems are broken like Indiana's was or whomever we take.

We need a lot of work on our system and putting laws in place that make us so we are more secure about our voting process.

We're in the process right now of losing our confidence, and that's why there's such -- everybody -- some people think there's overreaction,



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1           but it isn't. It's because it's the most important  
2           thing in the world to us to have the security of one  
3           person, one vote. And we don't see that all the  
4           time. So we do get a little bit panicky and we do  
5           get a little bit paranoid, but that's -- now, we're  
6           court watchers. I've been a court watcher for 30  
7           years, so I've been around a long time. So I --  
8           I -- I've seen good people come in and try to clean  
9           it up, and then something comes and messes it up  
10          again. So I -- I don't know. We count on you all  
11          to know the right thing to do.

12           I am very sorry to see it is partisan. I  
13          was -- don't like partisan, but that's what I see  
14          here. And I believe Representative Veasey said it  
15          wasn't partisan, and I kind of went, whoa, not  
16          partisan, huh? Well, anyhow, I think it is. But I  
17          don't care about who belongs to what and who's  
18          Democrat and who's Republican. All I care is that  
19          we get our system back like it should be where  
20          everybody is confident that when they come, it is  
21          one person, one vote. Thanks.

22           CHAIRMAN BONNEN: Thank you very  
23          much, Ms. Townsend. Any questions, Members?  
24          Representative Gutierrez, go ahead.

25           REPRESENTATIVE GUTIERREZ: Thank you,



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1 Ms. Townsend. How -- how did you all get that gal  
2 across the check point last session?

3 VIRGINIA TOWNSEND: Oh.

4 REPRESENTATIVE GUTIERREZ: I was just  
5 wondering.

6 VIRGINIA TOWNSEND: I don't know how  
7 she came on the check point. I don't know. I  
8 didn't ask.

9 REPRESENTATIVE GUTIERREZ: Oh, good  
10 for her.

11 VIRGINIA TOWNSEND: She was with  
12 30-some people. Maybe she just got lost in the  
13 bunch. I don't know.

14 REPRESENTATIVE GUTIERREZ: Well,  
15 thank you very much for coming. Thank you, ma'am.

16 CHAIRMAN BONNEN: Fern McLaugherty -  
17 I probably messed that up; I apologize - here to  
18 testify for Committee Substitute Senate Bill 14.

19 FERN MCLAUGHERTY: Fern McLaugherty.  
20 I am for SB-14. And like I say, it's McLaugherty.

21 CHAIRMAN BONNEN: Uh-huh.

22 FERN MCLAUGHERTY: We are to have a  
23 driver's license and a CHL. And I believe they have  
24 to be current to be legal. One cannot be without  
25 the other. They're a team together. We have to



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1 have an I.D. with picture on it to go to Sam's, be a  
2 student. Government jobs, we have picture I.D.  
3 Doctor's office. I saw a lady the other day. She  
4 was in a walker. She got turned around to go home  
5 and get her I.D., because she couldn't see the  
6 doctor, because she forgot her -- her driver's  
7 license. Military, passport, Social Security, when  
8 you go in there, they want your I.D. They want a  
9 picture I.D. of you.

10 I have been a poll catcher, I have been a  
11 judge, and I have been on the ballot board. And we  
12 need to work there a great deal. We need to work  
13 there. You all need to work on those -- those three  
14 positions.

15 We had one -- we have a gentleman that's  
16 from Progresso. He has drawers -- drawers of voter  
17 I.D. cards that he pulls out and hands to people,  
18 which is that lady that we were talking about that  
19 was in the room with you all. Some of you all were  
20 here. And they stopped them from testifying. So  
21 now I know why sometimes you all never see any,  
22 because you don't allow them to testify. But she  
23 was here and was willing to tell you all that this  
24 man gave you [sic] one. Now, not only is she an  
25 illegal and she was a lady, but she voted as a man,



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1 because it was a man's name on the card, but nobody  
2 noticed that.

3 So like I say, we were here two years ago  
4 and it was a -- a little surprising. And like I  
5 said, we don't know how she got across. She wasn't  
6 with us. But with 33 coming, I guess they just let  
7 them come on. We don't know.

8 Our last elections administrator, the one  
9 before we have now, she was indicted and she's pled  
10 out. And so we not only start at the top with  
11 things in illegal and working down with things, we  
12 start at the top. We had a Commissioner,  
13 Precinct 1, that's in the federal pen --  
14 penitentiary right now. So from Hidalgo County,  
15 like I say, we start at the top on and work down.

16 So we would like to have the voter I.D.  
17 We go around for the last two years and we've asked  
18 the poor people that we meet, we've asked the  
19 elderly, "Do you have a problem with the voter I.D.  
20 with your picture on it?" I have yet to have one,  
21 not one. They all say, "Heavens, yes, it would be  
22 so much easier." And the last time I was here, I  
23 understand that some of you didn't know where your  
24 voter registration cards are. How many of you know  
25 where your driver's license are or your CHL? I have



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1 both of them. When I came in the building today I  
2 handed him my CHL, and I got right on through.

3 Today someone stated that being 70 years  
4 old, I believe, that you don't need a -- a picture  
5 I.D. Don't you still have to have one for like  
6 Social Security, Medicare, Medicaid, whatever? So  
7 I'm 62. I'm trying to figure out how old I am. I'm  
8 either 62 or going to be 63, somewhere in there. So  
9 that means when I get to be 70, my driver's license  
10 and my CHL, I won't need? I'll be able to carry  
11 them; that's the age I'll be --

12 CHAIRMAN BONNEN: Thank you. Your  
13 time is up.

14 FERN MC LAUGHERTY: Okay. Thank you.  
15 I do appreciate it. And we do want the voter I.D.

16 CHAIRMAN BONNEN: Thank you. Any  
17 questions, Members?

18 Bee Whitlock here to testify for the  
19 Committee Substitute Senate Rule 4.

20 UNIDENTIFIED REPRESENTATIVE: Bob?

21 CHAIRMAN BONNEN: Yes.

22 UNIDENTIFIED REPRESENTATIVE: I have  
23 a question of Ms. Harless, since this is her bill.  
24 With respect to the 70 requirement --

25 CHAIRMAN BONNEN: Right.



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1 UNIDENTIFIED REPRESENTATIVE: --  
2 could you explain how that works for the record  
3 please.

4 REPRESENTATIVE HARLESS: The 70  
5 requirement was put on in the Senate. And the  
6 thought process was that -- that members, citizens,  
7 that were of the age 70 become less active in -- for  
8 the record, any of my friends that are in the room  
9 that are 70, 80 or 90, please don't hold that  
10 against me. It was not my statement. But that's a  
11 time in their life where they have a tendency to be  
12 less active, and we wanted them to have the  
13 provision of the exemption.

14 UNIDENTIFIED REPRESENTATIVE: And --  
15 and the exemption, as I understand it, is actually  
16 going to -- the group is actually going to grow  
17 smaller --

18 REPRESENTATIVE HARLESS: Yes.

19 UNIDENTIFIED REPRESENTATIVE: --  
20 through attrition. Is that right?

21 REPRESENTATIVE HARLESS: That's  
22 exactly right.

23 UNIDENTIFIED REPRESENTATIVE: All  
24 right. Thank you.

25 CHAIRMAN BONNEN: Mrs. Whitlock.



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1 BEE WHITLOCK: Yes. Bee Whitlock,  
2 I'm from Hidalgo, and I'm also with the House. And  
3 I know you all don't understand the way we live in  
4 Hidalgo County, but it's -- it's just terrible. We  
5 really have a problem. And we've got expired  
6 people voting. And I'm soon -- going soon to be 80,  
7 and I don't feel like I need to be cut down on  
8 anything. So -- and every time I go to the doctor I  
9 have to show my I.D. I go get a prescription, I  
10 have to show my I.D. So we're just for it and want  
11 to go through it real bad. Thank you.

12 CHAIRMAN BONNEN: Thank you very  
13 much.

14 Questions, Members? Thank you.

15                         Elizabeth Barns here to testify for  
16 Committee Substitute Senate Rule 4.

ELIZABETH BARNES: Afternoon. My name  
ois Beth Barnes or Elizabeth Barnes. And I'm with the  
OWLS, and I'm also from Hidalgo County.

Voter I.D., what a concept. We live in the Rio Grande Valley where there's a big problem. I worked the 2010 election this year, finding out many, many things.

First of all, we had people come in with no I.D., I don't have a driver's license, I don't



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1 have my voter registration card, but my name is. We  
2 found them.

3 We have driver's license -- we can -- one  
4 young man came in with a Mexican driver's license.  
5 He was in the system. No picture or his year --  
6 birthdate was not there. We couldn't verify that.

7 Then we had another gentleman come in,  
8 California driver's license with a La Joya, Texas,  
9 address. Who knows.

10 Illegals are a problem. They come across  
11 the river for the better life that we can offer.  
12 Some of them don't get out of the Valley, and they  
13 stay there. Well, some of them have been there for  
14 20 or 25 years. They somehow get a driver's license  
15 and other identification -- pieces of identification  
16 and the voter I.D. card. They come in and vote.

17 We just don't know what to do with it  
18 anymore, but we do very much want to have the photo  
19 voter I.D. card. Thank you.

20 CHAIRMAN BONNEN: Thank you. Okay.  
21 Mark Williamson, Minister Federal Intercessors, is  
22 here to testify for the Committee Substitute Senate  
23 Bill 4.

24 MARK WILLIAMSON: Thank you. I was  
25 here two years ago with the Senate, and that was



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1 quite an exercise, but glad to be back, honored to  
2 be here and to testify on behalf of the voter I.D.  
3 bill.

4 I'm an ordained minister dealing primarily  
5 with dozens of United States Congressmen in  
6 Washington, D.C. I recently served as the guest  
7 chaplain of the U.S. House of Representatives just a  
8 couple weeks ago. I approached this perhaps  
9 differently than most, being a citizen of Texas and  
10 also a minister focusing on God's design for the  
11 federal government. Based on the truth of  
12 scripture, our federal and state constitutions, I  
13 submit it is imperative to pass this legislation and  
14 to vote against it is a dereliction of one's duty.  
15 It's time to secure the vote.

16 The Biblical command to do everything  
17 decently and in order is not just a rule for  
18 churches; it is a life principle. And it is a  
19 principle particularly applicable to civil  
20 government and its processes. Romans 13 says that  
21 civil rulers, and that includes you Representatives,  
22 are the ministers of God to reward good and punish  
23 evil. You are stewards before God with a great  
24 weight of responsibility and opportunity that you  
25 will answer for. And do not take it lightly.



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1                   To all the Members of the House, I would  
2                   urge you to not reduce yourself or your position so  
3                   as to compromise commonsense and integrity in our  
4                   election process. It is time to secure the vote.

5                   God is a God of standards and boundaries from  
6                   Mt. Sinai to the borders of nations to the  
7                   boundaries of one man one woman marriage and  
8                   salvation through Jesus Christ alone.

9                   Do not ignore the principle. Let there be  
10                  one standard universally applied so that all who  
11                  vote are legitimate, qualified and identified  
12                  voters. A photo I.D. is not too much to ask to  
13                  secure our vote. And how would it be done if not  
14                  through the simplicity of a photo I.D.? A photo  
15                  I.D. is not an unbearable burden when one can't  
16                  function in our modern society without it. The  
17                  argument that a photo I.D remains an undue burden in  
18                  light of all the safeguards already in this bill to  
19                  protect the rights of everyone is now only a  
20                  distraction unworthy of serious discussion among  
21                  rational adults.

22                  The Bible also states that whoever resists  
23                  the ordinances of God and, by implication, His  
24                  standards of integrity will bring judgment on  
25                  themselves. And that goes for both citizens and



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1           rulers. God hates unjust weights and measures, the  
2           double standard that defines the lack of integrity.  
3           That means He is for single universally-applied  
4           standard equal for and protective of everyone, the  
5           Electorate as a whole, not just partisan  
6           constituencies.

7           I urge you to set a meaningful standard,  
8           set a standard against fraud and abuse of a sacred  
9           process, secure our votes and our elections. Even  
10          if I, for whatever reason, were unable to produce my  
11          driver's license at the polling booth, I would  
12          gladly sacrifice my vote to be confident that the  
13          Electoral process was sound and secure, no matter  
14          the outcome.

15           CHAIRMAN BONNEN: Sir --

16           MARK WILLIAMSON: Yes.

17           CHAIRMAN BONNEN: -- your time is up.

18           MARK WILLIAMSON: Okay. I was just  
19          about to close anyway.

20           CHAIRMAN BONNEN: Thank you very  
21          much.

22           MARK WILLIAMSON: Thank you very  
23          much. God bless you.

24           UNIDENTIFIED REPRESENTATIVE: Thank  
25          you.



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1 MARK WILLIAMSON: And God bless  
2 Texas.

3 CHAIRMAN BONNEN: Thank you.

4 Sir, could you come back and state your  
5 name on the record.

6 MARK WILLIAMSON: I'm sorry. Mark  
7 Williamson, Katy, Texas.

8 CHAIRMAN BONNEN: Thank you.

9 John Marler here to testify for the  
10 Committee Substitute Senate Bill 14. John  
11 M-A-R-L-E-R. Okay.

12 Anita Previtter with the League of Women  
13 Voters of Texas here to testify against the  
14 Committee Substitute to Senate Bill 14.

15 UNIDENTIFIED REPRESENTATIVE: We're  
16 trying to get back to the expert witnesses in about  
17 15 minutes here.

18 CHAIRMAN BONNEN: (Inaudible).

19 ANITA PRIVETT: Thank you for this  
20 opportunity. My name is Anita Privett. I'm the  
21 Advocacy Vice President for the League of Women  
22 Voters of Texas. And I think most of you know about  
23 the League's long history of 90-plus years of  
24 working on things like voter education. We really  
25 believe that civic engagement is extremely



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1 important.

2 Of those without -- I just have a few  
3 points to make, because you had heard a lot already.  
4 Of those without a driver's license, it's estimated  
5 that more than 70 percent of them are women and over  
6 one-third are seniors. Unless they happen to have a  
7 less common form of acceptable I.D., these  
8 individuals could include any who turn 70 over --  
9 after January 1st, 2012, which I happen to one of  
10 those. I'll be turning 70 next year. And I assure  
11 you that I have a passport and a driver's license  
12 today. But I know a day will come when I don't  
13 have. And my kids live in Kentucky, and I don't  
14 want to live in Kentucky; it's cold. So I may not  
15 have the easy access to being able to get an I.D.  
16 that it -- that you have if you have a child nearby  
17 who can take you to get those I.D.s. We believe  
18 that that's going to be a problem for quite a number  
19 of seniors, as well as women.

20 Remember that -- that people have to keep  
21 current an I.D., not just have one at one point in  
22 time. Obtaining and renewing a photo I.D. would be  
23 most difficult for those who do not drive and who do  
24 not already have the supporting documents that are  
25 required. SB-14 gives voters new reasons to worry



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1       that discrepancies between I.D. and the precinct  
2       list would disqualify them from voting a regular  
3       ballot. Discrepancies in name tend to be more  
4       common for women who may change their name if they  
5       marry, divorce or remarry.

The real problem in Texas is not voter impersonation. It is low voter turnout. Texas ranked 50th among the states in voter turnout in 2010. No state had a lower turnout than Texas.

10                    Each election The League of Women Voters  
11                    fields a lot of questions from voters. They call  
12                    our offices and ask questions. If we can't give  
13                    them simple, clear answers they decide not to vote.

14                   This voter I.D. requirement is going to  
15                   make it very difficult for people to really  
16                   understand what their options are. There are too  
17                   many options in some ways and there aren't enough in  
18                   others, but it's going to be confusing and people  
19                   are going to be intimidated by it.

20 Stricter photo identification requirements  
21 are not what Texas needs. Further implementing  
22 these needless requirements would involve expensive  
23 new government programs to provide and renew photo  
24 I.D.s for meeting --

25 CHAIRMAN BONNEN: Ma'am, I'm sorry.



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1 Your time is up. Any questions, Members?

2 ANITA PRIVETT: Okay.

3 CHAIRMAN BONNEN: Representative

4 Harless has a question.

5 REPRESENTATIVE HARLESS: To let you  
6 know, there is a provision in the bill that allows  
7 for ongoing training in the discrepancies of names  
8 and for that person to be able to cast their ballot.

9 ANITA PRIVETT: Provisional ballot?

10 REPRESENTATIVE HARLESS: No, a  
11 regular ballot.

12 ANITA PRIVETT: Well, that's good to  
13 know. I didn't know that.

14 REPRESENTATIVE HARLESS: They sign an  
15 affidavit saying, you know, when you've changed a  
16 name. If you were married or left off an initial,  
17 there's a provision in there.

18 ANITA PRIVETT: I'm sorry. I didn't  
19 realize that that change had been made.

20 CHAIRMAN BONNEN: Thank you.

21 Kenneth Buelter, B-U-E-L-T-E-R, Goliad  
22 County, Republican Party, here to testify for the  
23 Committee Substitute Senate Bill 14.

24 MR. BUELTER: Thank you, Chairman  
25 Bonnen and Committee. I'm here today --



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1 CHAIRMAN BONNEN: Could you please  
2 state your name.

3 MR. BUELTER: Kenneth Buelter, Goliad  
4 County, Republican party, here to testify for Senate  
5 Bill -- or the substitute for sub -- Senate Bill 14.

Chairman, I appreciate the opportunity to be here today. I am in a county that, as Representative Aliseda, who is my new representative -- and I appreciate his questions that he's put forward to all the witnesses today -- in a county that's very near something that he mentioned earlier. Goliad County registered voters for the general election in 2010 that we just had are 5,552. Goliad is a small county in South Texas, near Victoria. Our Census data just released in the last few weeks for Goliad County shows a total voting age population over the age of 18 at 5,562. That means I have 99.82 percent of available registered voters in Goliad County registered. I do not believe that to be truthful.

21                   However, this voter I.D. bill gives us all  
22                   the opportunity that when my election judges at each  
23                   election have to verify those voters that they can  
24                   have an easy method of verifying that by having them  
25                   present a photo I.D. that shows that judge who they



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1 are and why they should be able to have the  
2 privilege to cast a ballot in that election. Thank  
3 you.

4 CHAIRMAN BONNEN: Questions, Members?

5 Thank you. Appreciate your being here.

6 Alan Vera here testifying on behalf of  
7 himself for the Committee Substitute Senate Bill 14.

8                           ALAN VERA: My name is Alan Vera. I  
9 represent myself and probably a half dozen other  
10 old, cranky Vietnam vets. I'm here to speak for the  
11 Committee Substitute voter I.D. photo bill.

12                   Last November, I volunteered to serve as  
13                   an alternate judge for the general election. My  
14                   presiding judge assigned me to work the voter  
15                   registration booth to sign in voters for precinct.  
16                   There were three incidents in my assigned precinct  
17                   that I think you should know about.

25 The other two incidents were far more



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1           serious. I'm very meticulous, almost to the point  
2           of being anal. I took the job very seriously my  
3           first time working the polls, took all the courses,  
4           read all the books, even went through the Texas  
5           Election Code, all thousand pages of it. By law, I  
6           was accepting all forms of I.D. allowed by the  
7           Election Code, putting aside my personal opinions,  
8           including utility bills, expired out-of-state  
9           driver's licenses, et cetera.

10           Around noon, I had a voter present me a  
11           valid voter I.D. card. When I went to find her name  
12           in the book, I found she had already voted that day,  
13           or, rather, someone else had voted in her name. And  
14           I was the one who let that person vote, using some  
15           other form of I.D. I informed her of the problem.  
16           She was understandably annoyed and irritated. She  
17           offered her driver's license to prove she was the  
18           person she claimed to be. I called the presiding  
19           judge, who reviewed the situation, called the County  
20           for a ruling, and we allowed that woman to vote  
21           provisionally, but she was told her vote probably  
22           would not count. We had disenfranchised a Texas  
23           voter in a minority area.

24           It happened again at 4:00 p.m. under  
25           identical circumstances.



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1                   Later that evening, I met with other  
2 judges and poll watchers to compare notes, and my  
3 incident was not by any means isolated. This  
4 occurred regularly and frequently throughout the  
5 day.

6                   By allowing too wide a range of acceptable  
7 I.D. cards for voting, our current process is  
8 disenfranchising legitimate voters, perhaps not  
9 intentionally. But at least, in my experience, two  
10 voters were denied the right to vote. Okay?

11                  I'm sure that we all have, in good  
12 conscious, a desire to let everyone vote and vote  
13 correctly. But our current unstructured,  
14 undisciplined form of voter I.D. is actually  
15 contributing to disenfranchisement.

16                  In the spirit of full disclosure and  
17 fairness, I will tell you that I worked those polls  
18 under the guidance of True The Vote, which is  
19 organized by King Street Patriots in Harris County.  
20 It's a citizen-led initiative to educate citizens  
21 and train them to be poll workers, poll watchers for  
22 their party candidate or further issues. And I was  
23 one of the trainers involved, which is why I had to  
24 read all thousand pages of the Texas Election Code.

25                  Thank you.



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1 Any questions?

2 CHAIRMAN BONNEN: Thank you.

3 Members, any questions? Thank you.

4 Sumit DasGupta, D-A-S-G-U-P-T-A, Network  
5 of Asian Organizers, here to testify against  
6 Committee Substitute to Senate Bill 14.

7 SUMIT DASGUPTA: Mr. Chairman,  
8 honorable Representatives, I am Sumit DasGupta, and  
9 I stand before you as the Vice President of  
10 Political Affairs of the Network of Asian  
11 Organizations, NAO -- AO for short, to express some  
12 fear on NAO's 15 organizations in the Greater Austin  
13 area, our deepest reservations about this voter I.D.  
14 bill.

15 As a private citizen - it will come up  
16 later on when I talk about some of the details - I'm  
17 also a computer scientist and an executive at a  
18 small company that's involved in chip design and  
19 manufacturing. In my role at NAO, I've done  
20 sufficient research which leads me to the conclusion  
21 that can best be summarized by the statements, is  
22 this a solution looking for a problem? And if  
23 there's a problem, where is the sufficient evidence?

24 Allow me to express my concerns by  
25 punctuating my reservations with some personal



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1           anecdotes and observations.

2           I arrived in the U.S. in 1967 as a  
3           graduate student and a teaching assistant, so I had  
4           to get a Social Security card, which I did, so that  
5           I could get paid. I got my Social Security card and  
6           promptly forgot some nuanced changes in the last  
7           name, which I ran up against this last September  
8           when I had to register for Medicare. I turned 65 in  
9           October.

10          So I noticed that my last name was not  
11         spelled DasGupta, single word with capital D and  
12         capital G, but instead two words, D-A-S capital D,  
13         and Gupta, capital G. I then remembered that this  
14         is an artifact of mainframe programs of the 1960s.  
15         That's been fixed now. But that -- that artifact  
16         still exists in Social Security records.

17          And so as part of the registration, I  
18         tried to get my name changed to the proper name. I  
19         am sorry to tell you, I'm still trying and results  
20         are still incomplete. Okay?

21          So just for your information, I've spent  
22         25 of my 40-year career at IBM designing mainframes  
23         and programming mainframes, so that's some of the  
24         problems that we're still faced with because the  
25         data itself goes back to the '60s.



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1                   So if such a discrepancy that I just gave  
2 you showed up between your voter rules and whatever  
3 I.D. I have to show during a vote, is that  
4 sufficient reason for me to get rejected? That's  
5 one example.

6                   That was my last name. Let's talk about  
7 my first name. It is Sumit, S-U-M-I-T. Can you  
8 guess how many times in these 40-plus years I've  
9 been in this country where I've been called Summit,  
10 S-U-M-M-I-T, and spelled that way? And received  
11 mail addressed to Summit DasGupta. With a smile and  
12 a joke, I reminded everybody that I am still, at 65,  
13 one M short of the top.

14                  CHAIRMAN BONNEN: I apologize, but  
15 your time is up.

16                  SUMIT DASGUPTA: Okay. Thank you.

17                  CHAIRMAN BONNEN: Thank you. Any  
18 questions, Members? Thank you.

19                  Sylvia Guzman, Amigos dos de Patriots,  
20 here to testify for the Committee Substitute Senate  
21 Bill 14.

22                  Jessica Gomez representing Disability  
23 Rights of Texas, formerly Advocacy, Inc., neutral on  
24 the Committee Substitute to Senate Bill 14.

25                  JESSICA GOMEZ: Good afternoon. My



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1 name is Jessica Gomez, and I am a voting rights  
2 policy specialist at Disability Rights Texas,  
3 formally known as Advocacy, Inc. Under the Help  
4 America Vote Act, Disability Rights Texas is charged  
5 with ensuring the full inclusion of people with  
6 disabilities in the electoral process. Thank you  
7 for the opportunity to testify on the Committee  
8 Substitute before us today.

9                 The disability exemption included in the  
10 bill before the committee is absolutely necessary.  
11 And we thank you, Representative Harless, for  
12 including it and Senator Patrick for introducing it  
13 in the Senate.

14                 People with disabilities are some of the  
15 least likely to have photo I.D.s. Many people are  
16 unable to work due to the severity of their  
17 disability and often unable to drive, and they rely  
18 on others to assist them with the activities that  
19 require photo I.D.s, such as banking. They live on  
20 fixed incomes and face numerous transportation  
21 challenges, especially those that live in rural  
22 areas. Yet, despite these challenges, people with  
23 disabilities look forward to election day when they  
24 are able to visit their neighborhood polling place  
25 and cast a vote alongside the rest of their



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1                   community. Let's make sure that when they get there  
2 we do not turn them away because their disability  
3 has prevented them from obtaining a photo I.D.

4                   I did want to address -- address previous  
5 testimony that you have to have a photo I.D. in  
6 order to receive disability benefits in the State of  
7 Texas or Social Security or veterans benefits. That  
8 is untrue. According to policy and procedure  
9 manuals from Health and Human Services Commission,  
10 you do have to prove your identity, but it does not  
11 have to be in the form of photo identifying. There  
12 are many other ways to verify your identity. And  
13 photo I.D.s issued by DPS is not required to receive  
14 Social Security benefits or veteran benefits on the  
15 basis of a disability.

16                  We also need to ensure that people with  
17 disabilities and others know about the new  
18 requirements and the exemption by putting more  
19 behind voter education than the \$2 million in the  
20 current fiscal note. It is simply irresponsible  
21 policymaking to pass a bill with a fiscal note that  
22 we know is inadequate, especially when the State is  
23 poised to cut programs and services that people with  
24 disabilities rely on to live.

25                  Consider that the State spent \$3.5 million



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1 annually educating voters about the new voting  
2 systems when the Help America Vote Act passed in  
3 2002. How, then, is two million dollars sufficient  
4 to inform voters of the drastic eligibility changes  
5 proposed in SB-14?

6 With a large geographic size and rural  
7 population, Texas should create mobile outreach and  
8 I.D. units that can travel to rural areas and  
9 educate people about the new requirements and give  
10 them the necessary identification, like Missouri  
11 did. This is especially important with people with  
12 disability and low income individuals, who are less  
13 likely to have access to traditional media outlets.  
14 If the intent of this bill is to protect the  
15 integrity of the electoral process and not to  
16 disenfranchise otherwise eligible voters, prove it  
17 to Texans by funding appropriate voter outreach.

18 Thank you.

19 CHAIRMAN BONNEN: Thank you. Any  
20 questions, Members? Representative Harless has a  
21 question.

22 REPRESENTATIVE HARLESS: Thank you  
23 for being here. And you saw the Committee  
24 Substitute where we put in there if they can't have  
25 the current forms of I.D. then they would be exempt



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1 under the language that you helped us write.

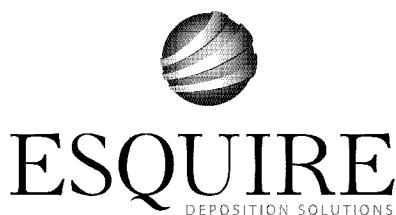
2 Did you also see in the fiscal note that  
3 they added additional money for technology for  
4 certain disabilities?

5 JESSICA GOMEZ: No, I did not. Would  
6 you --

7 REPRESENTATIVE HARLESS: They --  
8 it's -- it's on Page 3 of the fiscal note and it  
9 talks about technology. They added an additional  
10 \$24,000, and they anticipate that there will be --  
11 there -- we'll have testimony about the Help America  
12 Vote Act, but they did add an additional \$24,000 in  
13 there.

14 JESSICA GOMEZ: That's really great  
15 to hear. And would that \$24,000 also come from HABA  
16 funds?

17 REPRESENTATIVE HARLESS: In here  
18 we -- we have a copy of it. We can get you -- it  
19 doesn't spell out specifically. It says the  
20 Secretary of -- indicates the federal funds  
21 associated with Help America Act [sic] may be  
22 available for use, but the agency would first need  
23 to verify this with the federal government. And  
24 we're going to have someone from the Secretary of  
25 State testifying later.



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1                             JESSICA GOMEZ: Great. That's --  
2                             that's wonderful to hear. I'm very glad that that  
3                             was included. However, I would caution Committee  
4                             Members that the Help America Vote Act funds have  
5                             been eliminated in the President's budget. So we  
6                             will likely not be seeing anymore of these. Let's  
7                             make sure that we don't spend the last of those  
8                             funds on this and that we reserve some to educate  
9                             voters about other important things.

10                          CHAIRMAN BONNEN: Thank you.

11                          Representative Aliseda.

12                          REPRESENTATIVE ALISEDA: Perhaps this  
13                          question should go to Representative Harless, but  
14                          our version of course today is different than the  
15                          Senate's version, is that not correct, with respect  
16                          to the disabled?

17                          The Senate version has a doctor's note  
18                          would qualify for an exemption or requirement for  
19                          the voter identification.

20                          In this version, I believe we're using  
21                          language that you proposed, which says that a  
22                          social -- a letter from the Social Security  
23                          Administration would be sufficient. Is that  
24                          correct?

25                          REPRESENTATIVE HARLESS: That is



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1 correct.

2 REPRESENTATIVE ALISEDA: And when you  
3 talked to me about it, I expressed some concerns  
4 about doctors' notes, because we've seen what  
5 doctors' notes do in Wisconsin, for example.

6 REPRESENTATIVE HARLESS: That is  
7 correct.

8 REPRESENTATIVE ALISEDA: All right.  
9 I have no further questions. Thank you.

10 REPRESENTATIVE HARLESS: Excuse me.  
11 Could I clarify?

12 CHAIRMAN BONNEN: Okay. Do you have  
13 a question of the witness?

14 REPRESENTATIVE HARLESS: No. I  
15 wanted to clarify.

16 CHAIRMAN BONNEN: Thank you for being  
17 here. Go ahead, Representative Harless.

18 REPRESENTATIVE HARLESS: It does --  
19 it does say a doctor's -- it does spell out  
20 specifically the language, but only if they don't  
21 have one of the six forms of I.D., and that was open  
22 before. Everyone was exempt with disabilities. Now  
23 it says if they have one of the six forms of I.D.  
24 then...

25 CHAIRMAN BONNEN: Andrew Joseph, U.T.



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1 student, here testifying against Committee  
2 Substitute Senate Bill 14.

3 Mr. Joseph, I need you to completely fill  
4 out the witness affirmation, if you would. I need  
5 your address and your phone number on this form. No  
6 problem. Not a big deal. We just need to get it  
7 done.

8 ANDREW JOSEPH: Name is Andrew  
9 Joseph. I'm a student at U.T. currently, and I'm a  
10 fairly heavy utilizer of public transit. And I feel  
11 that this bill -- I mean, the way it's proposed is  
12 essentially in a way relegating us to second class  
13 citizens where, you know, we -- you know, we have  
14 student I.D.s. And we will not be able to use those  
15 student I.D.s whenever -- despite the large number  
16 of voter registration efforts that are ongoing on  
17 campus at any given time. And I feel that as public  
18 transit users we are not really given any kind of  
19 consideration.

20 You know, it's assumed that just everybody  
21 should have a driver's license. But you rely on  
22 public transit, as I have many friends and  
23 colleagues that do quite often, it's not necessary  
24 that you have a driver's license. And even though I  
25 know that there are other forms provided, the idea



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1 that this shall be very cumbersome on people to  
2 find, you know, these forms of identification, I  
3 think just puts the perception out there that --  
4 that, you know, the purpose of the bill is for  
5 disenfranchisement. I think just the perception of  
6 that is dangerous. I think that, you know, other  
7 suggestions have been given, such as improving the  
8 databases, such as, you know, having a -- you know,  
9 day voting registration. I think that -- if those  
10 policies were instituted instead of this policy, I  
11 think that those concerns would be alleviated.

12 And as I've heard, you know, the Secretary of State  
13 from Indiana said that -- that people would become  
14 more comfortable allowing various proposals to be  
15 floated if these measures were passed. But I don't  
16 see why we should have to appease certain groups of  
17 people in order to exercise our basic rights as  
18 citizens. And with that, I'm...

19 CHAIRMAN BONNEN: Members? Thank  
20 you. If you would, please, get that filled out  
21 correctly.

22 Diana Gorman, a travel agent representing  
23 herself, here to testify for Committee Substitute  
24 Senate Bill 14.

25 DIANA GORMAN: Hi. I'm Diane Gorman,



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1 and I live in Dallas. Came from the Rio Grande  
2 Valley, so...

3 I just -- thank you, first of all, for  
4 letting me speak. But I was sitting out there  
5 listening to some of the previous experts, and I was  
6 very saddened by some things I heard. And it  
7 prompted me to want to come up here. So something I  
8 wrote, voter fraud comes in all colors and poor  
9 people come in all colors, too. This is not a  
10 minority or economic issue, and I'm offended by  
11 those who try to pretend it is. I have a friend who  
12 called and asked me to vote for her because she was  
13 out of town and became very upset with me because I  
14 wouldn't do it. She was a Caucasian, a professional  
15 and a Republican, so this should not be a Democrat  
16 versus Republican or minority versus non-minority  
17 issue. This is about protection of the privileges  
18 and rights of each and every citizen to have their  
19 vote really mean something.

20 This past year I volunteered in the  
21 campaign of Debbie Carter (phonetic), who is an  
22 African American -- at least that's how some people  
23 may see her. But to me she is an American, an  
24 unhyphenated American, just like I am. And she is  
25 also a Republican. While calling to encourage



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1           people to vote for her, I encountered quite a few  
2           instances of people who asked, "Why vote? My vote  
3           doesn't matter anymore." They were intimidated,  
4           which seems to be the keyword around here today.  
5           They were intimidated and kept away from the polls  
6           because of voter fraud. They felt like their vote  
7           didn't really count; there was too many other people  
8           that voted illegally.

9                 It is extremely offensive to be called, in  
10           essence, a racist just because we have a different  
11           point of view, just because we want to ensure that  
12           the voters' votes are not diluted by fraudulent  
13           voting.

14                 I personally don't think this bill is  
15           strong enough. I am a proponent of fingerprint  
16           voting, but this bill is at least a step in the  
17           right direction.

18                 I would like to add that I was a recipient  
19           of the E-mail that was mentioned earlier about some  
20           polling places not being safe. As a woman who is  
21           new to Dallas, I very much appreciated that E-mail  
22           warning me before I volunteered to work at nights in  
23           a high crime area. Thank you very much.

24                 CHAIRMAN BONNEN: Ma'am? Are there  
25           any questions, Members? Thank you.



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4 VERONICA THORNTON: I'm Veronica  
5 [sic] Thornton, and I support SB-14. I wanted to  
6 testify, because I take issue with the race beating  
7 that I see here that -- that I'm hearing from these  
8 testimonies today. I'm a black woman, but I'm  
9 looking at this from a different point of view from  
10 regular American black people.

I'm a naturalized citizen, and I've been  
in this country since 1975. I became naturalized  
and I've worked as a clerk and as a judge in the  
polling place. And I don't understand why this race  
beating has to go on. It's an insult to the black  
community. And this victim mentality need [sic] to  
stop.

23                   People need I.D.s to do practically  
24                   everything. If you go to Wal-Mart you cannot get  
25                   your medicine without showing some kind of I.D. And



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1 so that's all I have to say.

2 CHAIRMAN BONNEN: Thank you. Any  
3 questions, Members? Thank you for coming.

4 Tonja Michelle Goby Smith, Concerned Women  
5 for America, for Committee Substitute Bill 14.

6 TONJA MICHELLE GOBY SMITH: I'm  
7 actually Tonja Michelle Smith. I go by Michelle, so  
8 I'll try to clarify that. Sorry.

9 Mr. Chairman, Committee Members, thank you  
10 for allowing me to speak. My name is Michelle  
11 Smith, and I'm the East Texas Area Director for  
12 Concerned Women of America. I am also the election  
13 judge for Rockwall County Precinct 1D. I have  
14 served as election judge for four election cycles  
15 since before 2009.

16 Concerned Women for America strongly  
17 supports SB-14 in its original form. And I want to  
18 stop there and apologize, because when I came to  
19 testify, I was here to testify against the Senate  
20 Bill amendments. And I saw what you've done to  
21 strengthen the bill, and I appreciate that. And  
22 we -- it looks good. So thank you for that.

23 And so we also believe that fair and  
24 ethical election practices should be practiced here  
25 in Texas and across this land. Texas is a shining



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1 star for all of America. And we want it to be  
2 strong here. We want the highest level of integrity  
3 brought to our voting process here.

4 Upon my tenure as election judge, I have  
5 seen how the process works in Texas. Anyone can  
6 walk into the election precinct, hand me a voter  
7 I.D. card, and I have no idea if that is, in fact,  
8 the person on the card or not.

9 We have -- I have heard argument that this  
10 will cost the State of Texas a lot of money. How  
11 difficult and costly can it be for someone to walk  
12 in and show an I.D. versus a voter I.D. card?

13 I will say from my experience as an  
14 election judge more than half of the people walking  
15 in my precinct hand me a voter -- a driver's license  
16 without even being asked, because they don't have  
17 their voter I.D. card.

18 I also want to say that our election  
19 judge -- our election chairman in Rockwall County  
20 requires training each election cycle for us to get  
21 refreshed on the rules. So the training is  
22 necessary regardless of our -- of what's going on.

23 Understand that there will be some  
24 literature costs involved in changing the -- the  
25 rules, but I want to say that that cost should not



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1 outweigh the highest integrity we have in our voting  
2 process. No matter if you're Democrat or  
3 Republican, if you're running for office, you want  
4 to make sure that that's fair and just how you're  
5 elected.

6 I also want to say we support a clean bill  
7 that allow -- that does not allow for any exceptions  
8 that could allow fraud or deception, and we ask the  
9 Committee to support SB-14 in its original form. So  
10 thank you very much.

11 CHAIRMAN BONNEN: Questions, Members?  
12 Thank you.

13 UNIDENTIFIED SPEAKER: Thank you.

14 CHAIRMAN BONNEN: Chair calls John  
15 O'Brien, Director of the Legislative Budget Board,  
16 here to testify neutrally on the Committee  
17 Substitute to Senate bill 14.

18 JOHN O'BRIEN: Thank you,  
19 Mr. Chairman, Members. My name is John O'Brien,  
20 Director of the Legislative Budget Board. And I've  
21 been asked to come here as a resource witness. I'm  
22 available to ask questions.

23 CHAIRMAN BONNEN: Mr. Veasey, you  
24 have questions?

25 REPRESENTATIVE VEASEY: Yeah. I want



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1 to -- no. He's just here to answer questions.

2 Yeah.

3 I wanted to specifically ask you about the  
4 fiscal note to the bill. What -- what's the fiscal  
5 note that you all have on the bill?

6 JOHN O'BRIEN: The current fiscal  
7 note on the Senate engrossed version is a G.R. cost  
8 in 2012 of 2 million \$24,000 [sic].

9 REPRESENTATIVE VEASEY: And so --  
10 and -- and...

11 CHAIRMAN BONNEN: I want to be clear,  
12 we're here taking testimony on the Committee  
13 Substitute to Senate Bill 14, so we need to stay on  
14 the substitute.

15 REPRESENTATIVE VEASEY: Okay. So --  
16 so -- and -- and there's -- and there's nothing --  
17 oh, he took -- he took it out of substitute. Is  
18 that right?

19 JOHN O'BRIEN: We'll do our -- we'll  
20 do our fiscal note on the substitute when you report  
21 it on the Committee.

22 REPRESENTATIVE VEASEY: Okay. Yeah.  
23 Because I was -- I was worried about the -- there  
24 was someone here from Indiana --

25 CHAIRMAN BONNEN: Correct.



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1 REPRESENTATIVE VEASEY: -- I think  
2 they said they spent \$1.6 million. And I think  
3 their largest media market would be Indianapolis.  
4 Gary was in the Chicago market, so they would  
5 probably have to spend money in the Chicago market  
6 in Gary. But, of course, we have several -- you  
7 know, we have at least two major markets,  
8 Dallas/Fort Worth and then Houston and then several  
9 medium-sized markets. And so it probably cost a lot  
10 more than that. So I was concerned about the fiscal  
11 note, but --

12 CHAIRMAN BONNEN: No. Please talk  
13 about it.

14 REPRESENTATIVE VEASEY: Yeah. And I  
15 was just trying to figure out how -- I know that you  
16 all had taken that note from the Secretary of  
17 State's office.

18 CHAIRMAN BONNEN: (Inaudible).

19 REPRESENTATIVE VEASEY: And I wanted  
20 to find out how you came to an agreement on that  
21 number.

22 CHAIRMAN BONNEN: Okay.

JOHN O'BRIEN: Let me say what the  
Secretary of State estimate includes.

25 First of all, that they're -- they're



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1 talking about investing about half a million to  
2 research ways to inform the public. And then their  
3 media educational approach is \$750,000 for T.V.,  
4 \$300,000 for radio, another \$300,000 for prints and  
5 \$150,000 for Internet education.

6 REPRESENTATIVE VEASEY: Yeah. And  
7 see -- and that's a concern, because we -- we would  
8 need to probably spend a lot more money than  
9 Indianapolis did on television. I mean, if they  
10 spent 1-point -- I think the number was 1.6. You  
11 know, I'm concerned about just accepting the number  
12 from the Secretary of State's office, because it  
13 sounds like that maybe you all should have done a  
14 little bit more research.

15 Did -- did the Comptroller's office  
16 compliment this in any way? I mean, did you all do  
17 your own research? Is it normal for you to -- to  
18 just take the -- another agency's word for it or do  
19 you all --

20 JOHN O'BRIEN: It's not only a common  
21 practice, it's a preferred practice. The Secretary  
22 of State are the experts on this matter.

23 REPRESENTATIVE VEASEY: Okay. Yeah.  
24 That was -- and that was my biggest concern was that  
25 this was such a large state that there was no way



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1                   that that number's going to cover. I mean, you can  
2 talk to political consultants on both sides of the  
3 aisle and they'll tell you how much it cost. And  
4 you probably have followed campaigns just on the --  
5 you know, on the periphery. I know you're not an  
6 elected official, but you work in the Comptroller's  
7 office. And you probably are interested in the  
8 Electoral process like everyone else, and it cost --

9                   JOHN O'BRIEN: I speak for the  
10 Speaker and the Lieutenant and Governor.

11                   REPRESENTATIVE VEASEY: Yeah. It  
12 cost a lot of money to advertise in this state. So  
13 I'm just worried -- I'm very concerned about the  
14 fiscal note.

15                   JOHN O'BRIEN: There's nothing --

16                   REPRESENTATIVE VEASEY: I just don't  
17 think -- I just don't think -- it seems to be a bad  
18 number.

19                   JOHN O'BRIEN: As we proceed through  
20 the appropriations processes there's nothing that  
21 stops Senator Ogden and Mr. Pitts (phonetic) from  
22 appropriating more if -- if --

23                   REPRESENTATIVE VEASEY: Well, but we  
24 don't have any money, which is another concern. So  
25 if it costs -- if it's going to cost more, you



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